

# *Local Municipal Administration in India*

A SOCIOLOGICAL  
ANALYSIS OF  
RURAL AND URBAN  
INDIA

EDITED BY LATA MISHRA  
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PEARSON



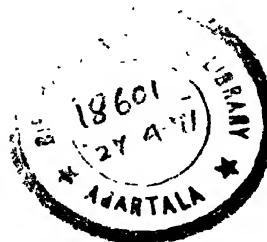
**THE MUNICIPAL  
ADMINISTRATION IN INDIA**



# THE MUNICIPAL ADMINISTRATION IN INDIA

(A Sociological Analysis of Rural and Urban India)

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## FOREWORD

•Our Municipalities and Corporations are not only field agencies for the development and maintenance of civil services and for execution in their respective areas of national programmes but they are also the primary units of democratic Government. They are the most appropriate organisations for under-taking local tasks of development and social welfare. Apart from providing civic amenities for the safety and convenience of its citizens, it is their role to mobilise local support and public cooperation for implementation of programmes of health, maternity, child welfare and family planning, education, housing, slum clearance and improvement and other schemes of social welfare. As units of local self-government they are the schools of democracy preparing our citizens for positions of responsibility in higher spheres of national activity. There is, however, a common feeling that the municipal machinery, as at present constituted, has not been able to fulfil its tasks in an efficient and straight forward manner; there is need of reform in the structure and administrative and financial working of our local bodies.

The Central Council of Local Self-Government has been deeply concerned about the problems that face our municipal administration. In pursuance of resolutions adopted at the annual meetings of State Ministers of Local Self-Government, the Ministry of Health, Family Planning and Urban Development set up a number of Committees during the last five years. The Rural Urban Relationship Committee which submitted its report in 1966 covered the whole field of municipal government while the Committees for training of Municipal Employees and Ministers' Committees on Augmentation of Finances of Urban Local Bodies and Service Conditions of Municipal Personnel dealt with their most pressing problems. The recommendations of these committees are receiving due attention of the State Governments.

Dr. Bhardwaj has written a book with the objective of improving matters by educating people interested in civic affairs. Dr.

Bhardwaj, who is at present a member of the Delhi Metropolitan Council, has had a long record of public service in the sphere of local government. He is, therefore, eminently fitted to write on the subject from the citizens angle. He is concerned as much with the duties and responsibilities of the elected wing as about the outlook and functioning of the various municipal departments and services. I am sure, the book will be a valuable addition on the subject of local government.

*New Delhi.*

**S.N. Sinha**

*Minister for Health, Family Planning & Urban Development,  
Government of India,*

## PREFACE

This book deals with the working of local bodies in India. It is written mainly with the purpose of imparting to the readers the knowledge on civic affairs as based upon practical experience, in order to inculcate in them the social and civic sense so necessary in the working of the civic administration and its day-to-day dealings with the public, which require lot of improvements. The functions of the Deliberative Wings require thorough scrutiny and overhauling. The duties depicted by the elected and nominated deserve to be examined in the light of the changed conditions with a view to bringing new zeal and enthusiasm among individual members. The cooperation and co-ordination between departments of the civic bodies is a necessity. The Deliberative Wing seems to have forgotten the responsibilities bestowed upon elected members by the electorate during elections. The Executive machinery on several occasions feel reluctant to implement the decisions taken after due deliberations by the civic bodies. Whenever one gets a chance to study the working of the municipalities, district boards and village panchayats it gives one lot of the business of the public utility departments. Hence a necessity for such a book to improve matters by educating people interested in civic affairs arises.

It goes without saying that reforms in the working of local government in our country are long overdue. The local bodies are neither democratic nor efficient to cope with the growing needs of the population. After the Minto-Morley reforms, the constitution and functions defined, require overhauling as the country has since moved very fast and stands today at the threshold of far reaching political, economic and industrial advancement. The conditions in the country that a properly organised system of local self-government may prove effective and the new schemes undertaken may prove successful demand the examination of the practicability of making suitable changes in the constitutional outlook of the local bodies. In the interest of the rapid increase in population, the changing aspects of industrial growth, the coming into being of the democratic system and putting it on sound basis, the national defence

problems have to be considered afresh. A system of educational advancement and sound physical growth of children has to be overhauled. The question of very acute housing problem, nourishment, prevention of disease, maternity and child welfare, compulsory primary education, better sanitation has to be faced and solved. The enormous developments in the technique of industry and business administration depend upon the health and literacy of the people.

This book as its name indicates can be useful to the municipal councillors and members of the local bodies in more than one way. The functioning of local bodies varies from province to province. The constitutions differ in several ways. The problems are not similar ; methods, ways and means depend invariably upon local conditions.

There are various factors which have to be dealt with by the Municipal Corporations and Municipalities. I briefly categorise the following which are detailed in the chapters that follow.

1. Functions of local bodies according to local conditions
2. Constitutional structures of municipal bodies.
3. Authorities governing the local bodies.
4. Organisation of local services to deal with the implementation and execution of works.
5. Relations with central and state governments for their smooth working.
6. The financial aspect and its ways and means.

While dealing with the above, special stress has been laid for defining the responsibilities of the elected and nominated elements to safeguard the interests of electors who are mostly illiterate and do not realise the value of their vote.

The book is being published at this opportune time when the educated gentry and the ordinary man have to take the civic problems as their own. Every citizen yearns for betterment of his town with more and more civic amenities; in lieu of the taxes the rate payer has to pay to the civic body.

This book is written mainly with the idea of enlightening the candidates for the elections and then the elected members at a time when new outlook, fresh enthusiasm, clear understanding of the problems to face with issues involved are of high importance for successfully running the local councils.

The general review of local government which this book embodies will, it is hoped, prove of great service and interest to all those who have an urge for improving the work of the local administration.

In big cities worst slums create an acute problem. There education has to be imparted on right lines, the sanitary and medical standards have to be improved, the obligatory functions like the water supply, transport and electricity have to be run properly. The urban population can get the desired improvement only if the underground sewer lines are laid to avoid sullage water to stagnate and cause nuisance. The book will create interest and will draw special and concentrated attention of the persons, who have been entrusted with the work by the electors as city fathers.

It is not an easy task to select relevant matter for such a handbook having regard to the extensive range of local bodies. Administration apart, the subjects on which the Councillor is likely to need information in his capacity as an elected representative have to be added.

The author will welcome sound criticism and suggestions from the readers. They will be of immense use in preparing the next edition of this book. It can safely be said that the practical working of the local government depends largely on the character and qualities of those who run the local bodies. I have tried to put in all that I could gather from available sources and from my own experience gained as a member of municipal bodies for a long time.

R.K. BHARDWAJ



## ACKNOWLEDGEMENTS

In order to express freely on such a comprehensive subject and to touch all aspects and the working of the basic democracy of the country was not an easy task to perform. Though full advantage has been taken from the literature available, yet it has been my endeavour to explain matters based upon practical experience gained after remaining constantly in touch with the working of local bodies in the country. There may be some quotations and references in various chapters of the book which have been deliberately given to appeal to the minds of the readers. Every effort has been made to see that only the policies affecting the civic bodies are discussed without any aspersion on particular organisation or individual working in the field of local self-government. It is with appreciation and gratitude that I have to acknowledge the help and guidance to complete this huge work by libraries, institutions and individuals through books, periodicals, papers and personal deliberations. My thanks are due to Dr. S Chandrasekhar, Minister of State for Health, Family Planning and Urban Development, Shri P.R. Nayak, I.C.S., Shri G. Mukherjee I.A.S., Shri R.P. Sinha and Shri A.P. Mathur of Central Health Ministry, Shri S.C. Chhabra and Miss. Surinder Saini President and Vice President of New Delhi Municipal Committee respectively, and Shri Birbal of Delhi Municipal Corporation, Shri Suraj Bal the educationist, Shri R.P. Bharti Secretary Municipal Corporation Delhi, and Shri S.C. Pandey Secretary local self-government Delhi, Shri B. Malik V.C. The Institute of Public Administration, particularly Dr. Mohit Bhattacharya and Dr. Abhit Datta and Delhi Public Library, especially Shri J.C. Mehta its Director, deserve special mention. Shri Vijay Kumar Makhota, Chief Executive Councillor, Delhi extended help of some useful books on the subject and the municipal corporation for collecting necessary material to whom I feel indebted. The Ministry of Health, Government of India, Delhi Administration, the British Information Service, the U.S.I.S. Library and American Embassy and some of the other Embassies in India, New Delhi have supplied enough relevant matter for comparative study for the book.

My special thanks are humbly offered to Shri Satya Narayan Sinha who has been kind to bless my attempt with an erudite and informative foreword. There is another source of inspiration from such a dynamic personality for which I am much grateful. I feel that his opinion based upon his personal public standing and experience is of great weight as he was one of the leading architects and founding fathers of the civic advancement of the country. It is all the more concern that he is holding the portfolio of Community Development as the Union Minister of Health, Family Planning and Community Development.

It requires special mention that the Rural Urban Relationship Committee Report in 3 Volumes, the Augmentation of Financial Resources of local Bodies in India Report, the Taxation and Finance Commission Reports, the Great Cities of the World by Prof. W.A. Robson proved very useful for study and gaining material for the book.

I express appreciation to my sons Shri I.M. Bhardwaj, advocate and Prof. R.M. Bhardwaj M.A. who extended cooperation for collecting material and compiling the matter to make my work easier after devoting time and energy for the work.

R. K. Bhardwaj

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# 1

## *The Origin of Local Self-Government*

The local self-government under the British government in India began in our country in a very modest way and the scope of its work was limited. The purposes for which local self-government was thought to be needed were to foster trade and to remove obvious nuisances.

The first municipal law enacted in 1842 known as "The Bengal People Act 1842" applied to the Province of Bengal only as a trial measure. Even in Bengal, it could only be enforced in any town if two-thirds of the inhabitants demanded its application through representation. It was not an attractive proposition for the people to demand municipalities and this system was tried in two towns. In order to obtain revenue for its functioning, tax of 5% was levied on buildings and lands on their annual ratable value. The performances of the local bodies under this Act were not considered successful. It was replaced by an Act (XXVI of 1850) as an all India measure. This was applied to in Bombay and North West Provinces. In 1863 an Act was passed to establish the Calcutta Corporation which was composed of a nominated President and the Justice of Peace residing in the city of Calcutta. Subsequently the Act of 1863 was repealed and replaced by an Act in 1876. According to this Act representation by election and by appointment was introduced with 48 members elected by the inhabitants and 24 members nominated by Government. In 1875 the Bombay Corporation was established which was composed of justices of peace and a nominated commissioner as an executive head. This working caused considerable dissatisfaction. In 1882 Sir Ferozeshah Mehta played a leading role in getting the Act amended. Under the amended Act half the members were to be elected and the other half to be nominated by the Government with an elected chairman. The executive powers were vested in the Commissioner appointed by the Government. The

Municipal Corporation was responsible to lay down general policies relating to the Budget and expressed opinion with due criticism and reviewed the administration. This Act was replaced by an Act in 1888 determining the scope of representation by electio*n*. In 1907 it was again amended, transferring the Home affairs under the police department of the state government and the corporation was also given the departments of primary education, medical relief, and other allied works.

An Act of 1867 conferred on the Corporation functions relating to police, education, medical relief, sanitation, lighting etc. According to this Act, 31 councillors were nominated from 8 wards of the whole city and their activities were advisory in character. In 1871 the Corporation was relieved of its police duties. The Act was amended in 1878 and again in 1884 and finally in 1904 to give 20 elected members out of 36. The executive functions were left to the President to be appointed by the Government. Delhi, then a part of the province of Punjab, had its first tiny body with powers to deal with sanitation and to look after the hygienic conditions of the town in 1863.

A Commission was appointed in 1863 by the Government to report on the conditions of the health of the army in India. It was reported by the Commission that most of the towns in the country were very dirty, and therefore adversely affected the health of the troops stationed there. It was recommended that early steps be taken to make satisfactory arrangements for raising the standard of these places.

In order to develop the working of local self-government, Lord Mayo, Viceroy of India, issued an order in the form of a resolution on financial decentralization in 1870. The object of this resolution was to promote the working of education, public health, sanitation, medical relief and local public works operations and also to afford opportunities for the development of self-government for strengthening municipal institutions. After the issue of this order municipal Acts were passed during the next few years in several provinces liberalising municipal constitutions on the basis of election principles. The second phase for the development of local self-government was reached in 1882, when Lord Ripon paid his personal attention to providing better opportunities of participation in the management of the public affairs. Lord Ripon became Viceroy in 1880 and within two years he applied his mind to pacify the feelings of the people. He advised further advancement in the sphere of local self-govern-

ment and laid down the principles for organising the working of local self-government on the basis of non-official majority by reducing the official element to one-third. Even non-officials were taken as chairmen of the local bodies. The position of services was rather reduced to that of servants than that of the masters.

The Royal Commission on Decentralization submitted its recommendations in 1906 which, after going deep into the working of local self-government in India, came to the conclusion that the working of local bodies was a failure. The reasons for the unsuccessful functioning of the local services were the haphazard character of local areas absence of regular and systematic elections, want of financial responsibilities, inadequate and defective control over the services by the local bodies, and too much interference and strict control by the Government. In order to improve the working, the Commission recommended for more powers, genuine elections with majority of not only non-official elements but also the major strength of the elected representatives. It was also suggested that the financial resources were very inadequate as the local bodies had no liberty to shape their budgets. It recommended that within the sanctioned limits, local bodies should be allowed to determine their own taxes within the legal framework of the constitution. The recommendations went to the extent of placing full control and power over the services subject to certain safeguards to ensure security of tenure in order to avoid any conflict.

In 1918 the Government of India accepted most of the proposals of the Decentralisation Commission including elective majority in the local bodies with wider suffrage.

The Montague Chelmsford Report and the Government of India's Resolution of 1918 agreed on several points. The municipal working and practice varied between the provinces. The report observed that unless some improvements were made and public say was made to dominate the municipal bodies under the services would prove unsuccessful. It was therefore, suggested that more powers and better financial help be given to the local bodies so that the local self-government might prove to be effective. In fact the District Boards constituted so far, fared very badly mainly due to financial difficulties. The board used to collect revenue through local rates, receipts from pounds and ferries, Government grants and fees from the schools. This source being inadequate could not cope with the expenditure.

## Constitution of Municipal Boards

On a representation or an application made by the inhabitants of an area, or of its own accord, the state government would declare any area to be local area under the boundaries of municipality by a notification. The local area was to be inhabited by a population to necessitate its declaration as municipal area (except the cantonment area). The notification was published in the official Gazette and pasted at prominent places within the local area and in the court of the District Magistrate to indicate the intention of the government. In order to invite objection and criticism the public and various interests were given a chance to express their opinions. After considering all the proposals and objections and after the lapse of 2 months, the State Government took a final decision by issuing a Gazette notification. The government before taking steps examined the principal classes of inhabitants, sources of income in the shape of revenue, define the boundaries and the strength of members to be given to the local area. According to the constitution every municipal board was a body corporate with a perpetual succession and common seal. It had the right of suing and being sued in its corporate name, and could acquire, hold and transfer property and enter into contracts.

The physical form of a town reflects fairly and accurately the social conditions of the people living, i.e. their mode of life, their cultural achievements, economic status, educational standard and other facilities.

The small towns require improvements in problems like providing regular roads and streets, drains, clearance of garbages, sewage, slum etc. It is generally forgotten that the towns of our own creation should be orderly, well planned and beautiful. They must indicate urbanity and wholeness giving an urban outlook. In order to improve conditions in the urban areas special acts are enacted and municipal boards are constituted with modern laws and elected representatives. So long as the population increases the problems of the municipal bodies are multiplied. The scanty funds, limited resources and less public co-operation all create an acute problem for the constituted bodies.

After the popular ministries came to power in 1946 the problem was examined afresh and the recommendations of various committees were reconsidered in order to improve the structures of local bodies. As soon as the country achieved independence in 1947 a new life was given and amending legislation was undertaken in all states of India

in order to democratise the Constitution for extending functions and powers on autonomous basis and also to liberalise finances of local bodies. The community development and national extension service was considered suitable as a role of the local self-government authorities. The planning and implementation work based upon democratic pattern on popular initiative was provided in the Constitution.

The Government of India appointed a committee in 1956 as a study team on community development and national extension service, on projects of Planning Commission, which recommended drastic reorganisation of local government throughout the country. Ultimately the relations and control of the government and local bodies created integration of functions between the two. The functions were defined on broad constitutional issues as "(1) the local functions (2) local areas and the authorities (3) constitutional structures of local bodies (4) organization of local services (5) relations between the state government and the local authorities and (6) financial position of the local bodies."

It is well recognised that the democratic institutions have to function properly by providing authentic and ample information to the citizens as public co-operation is essential for the successful functioning of the municipal administration. The municipal institution came quite nearer to the well-being of the people and for this very reason it is regarded as foundation and stepping stone for democracy. The attainment of freedom has brought about a tremendous change in the outlook of the people in respect of the functions and obligatory duties of the civic bodies.

The importance of local government in Britain and the philosophy that underlies it were clearly defined by a Royal Commission about a hundred years ago in 1869 which policy is still valid in the working. It mentioned, "The principle of local self-Government in Britain has been generally recognised as the essence of our national vigour." Local Administration with some powers can improve matters of planning the city on modern lines in a better way. The municipal bodies in India are handicapped due to limited sources and lack of technical personnel which are responsible for good planning and the execution of development plans.

#### **Limitation of Municipal Bodies**

The existing municipal bodies are not properly equipped for the tasks of planning and development because their jurisdiction is,

limited and they cannot plan for areas beyond the municipal limits. The extra-territorial jurisdiction allowed to them in certain Municipal Acts does not work satisfactorily and often involves a conflict of jurisdiction between different local bodies. The Municipal Boards are also handicapped on account of their limited resources and lack of technical personnel, so necessary for overall planning and execution of development plans etc. The Committee on Urban Land Policy also held the same views and observed :

"Under the existing administrative and organisational framework, there does not seem to us any one particular public authority, which may be considered suitable for the purpose of bringing about the required coordination and integration in policies and programmes bearing on urban land development, control and planning. The urban local bodies like the Municipal Corporation or Municipal authorities being elected bodies with an already wide range of functions and limited resources are not in our opinion the proper agencies to whom may be entrusted the important functions of land acquisition, development and disposal nor would they be effective enough in bringing about the desired co-ordination in land policy measures of the various agencies involved in any urban area. The Improvement Trusts and the Housing Boards also operate within limited jurisdictions for limited purpose. Even these agencies constituted, as they are today, may not be equal to the task."\*

Delhi got its first civic body in 1863. Till 1911, when Delhi was declared as the Imperial capital, there was no remarkable change in the municipal administration. The Deputy Commissioner was the President and the City Magistrate was the Secretary in addition to the powers of the municipal works. The top heavy administration had obvious disadvantages. In 1946 the Delhi Municipal Committee was given the right to elect a president in place of the Deputy Commissioner. On the basis of adult suffrage elections to the committee were held for the first time on 15th October 1951. There were 47 constituencies. Out of the total strength of 63, the elected members, strength was 50. The area of Delhi Municipal Committee was 6.7 sq. miles which was increased by 3.45 sq. miles by adding the West Delhi Notified Area Committee.'

Pandit Jawaharlal Nehru once strongly emphasised the impor-

\* Report of the Rural-Urban Relationship Committee, Government of India, Vol. I, p.52.

ance of Delhi Civic Body in the following words: "The state of Delhi may be a small one but it not only comprises the capital of the Republic of India, but what is perhaps more important is a city of heavy antiquity, of great repute, of layer upon layer of history and tradition and a long record of cultural existence. It is a privilege to serve this little State and this great city. Every member of Delhi Legislature should remember this high privilege which is his and should endeavour to live upto it and not lose himself in pettiness unbecoming of this high responsibility." The central superintendence is the distinguishing feature of our government. The theory is that the public expenditure should be chiefly controlled by those who contribute to it.

## 2

### *The Line of Approach to the Problems*

The local self-government is generally regarded as the basis of national self-government or local government. The local council offers primary ground for developing habits of mind and ways of the public and whatever services are necessary for running the local government. In the local councils, municipalities and small town committees, one learns the method of getting various services run for the benefit of the community. The functioning of local bodies on efficient lines has to be fitted in to the whole pattern of the state, government in order to get more useful purpose set on working principles according to the needs and desires of the tax payers.

The growth of cities in our country has been mainly due to economic and security considerations. Usually there is no planned programme for developing an urban area until the haphazard and unhygienic conditions necessitate improvements in and around the growing city. We cannot draw sharp lines between municipal government and the administration of the state Government as several problems are interconnected. The citizens get an idea of the working of administration of the municipality of the city from the facilities provided with the sphere of the concerned department particularly from those with whom they come in contact. The local needs like better sanitation, good and wholesome water supply, arrangement for frequent transport, education, medical aid, roads, street lighting, general electricity operations and other considerations are the prior needs of the rate payer in the municipal limits where he pays direct or indirect taxes. It is a common thing for almost every educated and intelligent person to understand and know the importance of local government in the country, the problems of training and educating the masses in the art of self-government and also undertaking development schemes in various spheres of public life and to inculcate national and social spirit among the people.

A regularly organised and efficiently functioning system of local self-government is necessary for creating interest in the people for implementing the schemes with their full confidence and co-operation. In all the spheres whether it is educational, democratic, national and civil defence or an advanced industrial development, a great and persistent effort is required for the successful working with co-operation of educated and intelligent population. The fundamental principle of arranging for education on sound lines for the physical growth of children has to be adopted and enforced so as to produce public spirited workers and worthy soldiers for the uplift of the nation. The local bodies have to play a vital part for tackling the problems of housing, nourishment, medical and public health, social welfare, maternity and child welfare, water supply, transport, electricity, education, community development, industrial development and other works of public facilities and conveniences. The enormous development in the technique of industrial and business administration depends upon the right sort of education imparted to masses and healthy environments created in the city. The conditions prevailing in the country in every walk of life necessitate due reforms in the working of local self-government. Under the Government of India Act 1935 the popular ministry during the brief functioning of provincial autonomy took up the problems in right earnest and in some of the States special committees were constituted to study and submit report on the question of bringing reforms in the whole system. In Uttar Pradesh, Madhya Pradesh, Central Provinces, Bombay, North-West-Frontier Provinces, the system of joint electorate was introduced for the election of local bodies including municipalities and panchayats. During the constitutional deadlock (1939-46) the progress in local government was retarded.

After achieving independence of the country in August, 1947 the work of advancing the local government problems was accelerated. In all the states practical steps were taken to democratise the constitution of the local bodies by extending their functions and to liberalise their finances. The village panchayats were organized to endow them with such powers and authority as were considered necessary to enable them to function as units of local self-government on sound lines for which panchayat legislation of varying pattern was enacted in different states of the Indian Union. The local bodies being of the people and having direct touch with the people, development and planning and implementing their schemes were dependent upon them

and based upon their initiative and participation on democratic lines.

In September, 1956 a study team was appointed on community development and national extension services by the Plan Project Committee of the Planning Commission which vehemently recommended a drastic reorganisation of rural local government throughout the country on uniform basis. Due to illiteracy and ignorance of the general public, great poverty, appalling conditions and paucity of financial resources of the country the inefficient working suffered mainly due to friction and political bickering and a lot of practical difficulties have been experienced for bringing the desired reforms.

So far the local self-government was looked upon as a democratic concession from the government wrung from an autocratic system prevailing in the country and the relations between the State Governments and the local Bodies presented an issue between popular and despotic control. It was considered necessary that the general control over the functioning of the local bodies may remain with the State Governments but in the day to day working the Local Bodies should enjoy the status of statutory bodies. It has been proved that efficient and vigorous functioning of the local bodies in the country is indispensable for the successful working of democracy. It offers wide opportunities for imparting civic, social and moral education to the people. This is one of the best sources for co-operation and co-ordination for the successful administration of several welfare social services.

#### **Urbanisation Process Rapid.**

The migration of hundreds of rural folk to cities in this chiefly agrarian country is responsible for swelling the population of individual cities.

The overall increase in population has been very great in urban areas and there are seven big cities in the country having more than a million population. The greater Calcutta including all contiguous urban area had a population of 82 lakhs in 1961 census. Calcutta is one of the 10 largest metropolitan areas in the world. The congested city of Calcutta has a population of about 30 lakhs. The greater Bombay has more than 41,52,000 persons. The density of population has increased from 315 to 384 in the whole country. The rural population is 82% of the total population leaving only 18% for the urban area according to 1961 census report.

The population of the country is growing day by day. The

population in 1901 was 235 million which rose to 250 million in 1921 and jumped to 317 million in 1941. It grew from 359 million in 1951 to 436 million in 1961 giving a raise of 21% during 1951-1961.

The above figures have been given to indicate that by increase in population the problems also multiply. The country must support about 15% of the world population on 2% of total land area. Thus the shortage of food production is the cause of large influx of rural population to urban cities. The day to day increase in the population is adding to the responsibilities of the local bodies for necessary amenities and facilities to the people living there. Moreover, slums are being created by the density of population. The urban industrial development has not yet moved far enough to provide a job to the large number of people and add to the revenue of the local bodies.

In this chapter we will discuss how the liabilities of the local bodies are increasing and the overall control of the State Governments is slackening. In order to meet the growing financial burdens with very limited sources of revenues the urban civic bodies feel helpless in meeting the burden without any patronage from the Government. The coming chapters will deal with the line of approach to the problems. The constitutional structure, the functions of the local bodies and the sources for meeting the liabilities have to be discussed on a comprehensive basis. Due to inadequate financial resources the standard of services provided by the Municipal Corporations has become low which is the cause of growing dissatisfaction among the citizens.

In order to examine the financial aspects and also to suggest ways and means to improve the financial position of local bodies a committee of ministers was appointed in the 8th meeting of Central Council of Local-Self-Government in 1962 held at Calcutta for the augmentation of financial resources of municipal councils. The following is the summary of main recommendations on the problems of urban local bodies made by the committee of ministers \*

(1) All schemes pertaining to urban development should be brought together and executed in a co-ordinated manner within the framework of a Master Plan for comprehensive development. Every Master Plan should be translated into a Master Programme consisting of a number of specific schemes and each local body should prepare

\* Proceedings of the fifth meeting of the All India Council of Mayors (1965) pp. 64 to 68.

five year city Development Programmes in accordance with which the various schemes in order of priority would be executed. These Programmes should also indicate how much the local body would be able to contribute out of its own resources towards their implementation and what should be the extent of subsidy from the State or from the Centre. Once such City Development Programmes are worked out and integrated with the State Plan and ultimately in the National Plan, the problem of finding resources for implementation of the Master Plan would become very much simple.

(2) A statutory Urban Development Board should be set up in each State which should be empowered to acquire lands and properties wherever necessary and undertake most of the aspects of town developments. The Board may also statutorily undertake water supply and sewage schemes in respect of specified regions. It can also function as Central Loans Institution which would supply long term as well as short-term credit to the local bodies. The initial capital for the Urban Development Board should come out of the total provision made in the plan for urban development. The Board should also be empowered to raise resources of their own and should explore the possibilities of financial assistance from various International AID Agencies.

(3) The Property Tax should be administered under conditions which would give best possible results. To utilise this tax properly, the following measures are recommended :—

- (a) A Central Valuation Department should be set up in each State to get the work of assessment of properties in different urban local bodies done and also take up systematically, at regular intervals, reassessment of urban properties :
- (b) The property tax should be freed from the restrictive influence of the Rent Control Act either by imposing a 25 per cent surcharge on the existing Property Tax and allowing the property owner to shift the entire burden of this surcharge on the tenant or by a suitable legal provision which would enable recovery of the difference between the property tax based on the reasonable annual rental value and the property tax based on standard rent from the property owner and allowing him to treat this difference as arrears of rent for the purpose of recovery ;

- (c) The definition of "Lands and Buildings" should be suitably modified on the lines of practice prevailing in England. A comprehensive Code of Assessment of rental value should be drawn up with the assistance of one or two Assessors and Legal Experts;
- (d) A standard percentage of collection should be prescribed and any municipality which fails to achieve this percentage without adequate reasons should be disqualified from receiving any grant or loan from the Government.
- (e) In every state, there should be a separate cadre of Municipal employees and the Chief Executive Officers of all urban local bodies should be deputed from this cadre except for certain specified posts.
- (f) If the collection percentage in a particular local body falls below the prescribed percentage, the State Government should direct severe disciplinary action against the Chief Executive Officer and the Collection Staff. Action may also be taken against the President of the Municipality and even in spite of this if there is continued negligence, this should be considered as sufficient ground for supersession of the Municipality.
- (g) A statutory minimum and maximum should be fixed for property tax. A provision should also be made in the Municipal Act to enable the State Government to impose Property Tax at the rate considered reasonable by the State Government, if the Municipality fails to impose tax at that rate.
- (h) The practice prevailing in England in respect of assessment of Machinery and Plant, should be adopted by the Urban Local Bodies, so that industries are made to contribute adequately to the cost of services provided by Urban Local Bodies.
- (i) The State Government properties and Central Government properties should be subjected to

Property Tax and Service Taxes in the same manner as any private property.

(4) Octroi in its present form should be gradually replaced either by a Turn-over Tax or by a Surcharge on Sales Tax or by some other method which may cover the same sphere of taxation but would be free from the evils of the Octroi system.

(5) The maximum limit of Profession Tax in the case of an individual should be raised from Rs. 250/- to Rs. 500/- and in the case of Companies to Rs. 2,000/- by suitably amending the Article 276 of the Constitution. The levy of Profession Tax should be made obligatory.

(6) Licensing system should be made more efficient and more comprehensive.

(7) Urban Local Bodies should be encouraged to take up remunerative activities which would create permanent assets yielding perennial non-tax income. As far as possible these remunerative activities should be financed out of a Revolving Fund.

(8) As recommended by the Taxation Enquiry Commission the following taxes should be reserved for exclusive utilisation by or for the Local Bodies :

- (i) Tax on lands and buildings popularly known as Property Tax;
- (ii) Tax on entry of goods into the area of local authority for consumption, use or sale therein;
- (iii) Tax on Profession, Trades and Callings;
- (iv) Tax on vehicles other than mechanically propelled;
- (v) Tax on animals including goats;
- (vi) Tax on advertisements other than newspaper advertisements.

(9) To begin with at least 25 per cent of the proceeds of the Entertainment Tax should be earmarked for the Urban Local Bodies and this percentage should be gradually raised so that ultimately the entire proceeds of this tax are assigned to the Urban Local Bodies. The entire proceeds of any surcharge that is being levied on the Entertainment Tax should straightway be handed over to the Local Bodies. The Theatre Tax and the Show Tax could be administered by the local bodies themselves but in cases where these taxes are levied by the States, their proceeds should be earmarked for the local bodies. The proceeds of the entertainment and other allied taxes need not necessarily be distributed on the basis of population or the source from which the tax originated. The State Government should have

the direction to distribute it on the basis of need of different categories of local bodies.

(10) At least 25 per cent of the proceeds of the Motor Vehicles Tax should be earmarked for local bodies and a formula should be evolved to distribute the proceeds to the different local bodies on the basis of population, mileage of roads maintained by them, volume of traffic etc.

(11) As recommended by the Taxation Enquiry Commission each State should have a Grants-in-aid Code embodying certain well-defined principles and that there should be a Basic General Purpose Grant for each local body in addition to specific grants for particular items and Services. For the purpose of evolving the principles in accordance with which such grants should be made, the Urban Local Bodies should be classified into six groups :—

- (1) Class A Corporation/Metropolitan cities and big industrial centres.
- (2) Class B Corporation/Metropolitan cities with more than five lakhs population.
- (3) Corporation and Municipalities with more than one lakh but less than five lakhs population.
- (4) Municipalities with more than 50,000 but less than one lakh population.
- (5) Municipalities with more than 20,000 but less than 50,000 population.
- (6) Municipalities, Town Area Committees and Notified Area Committees with less than 20,000 population,

The Committee recommends that the Urban Local Bodies should get a recurring annual per capita basic general purposes grant at the following rates :—

|   | Rs.    | P. |
|---|--------|----|
| (1) Class A Corporation/Metropolitan cities and big industrial centres.                         | 0 — 25 |    |
| (2) Class B Corporation/Municipalities covering cities with more than five lakhs population.    | 0 — 25 |    |
| (3) Corporation and Municipalities with more than one lakh but less than five lakhs population. | 0 — 50 |    |
| (4) Municipalities with more than 50,000 but less than one lakh population.                     | 0 — 75 |    |

- |  |                  |
|--|------------------|
| <p>(5) Municipalities with more than 20,000 but less than 50,000 population</p> <p>(6) Municipalities, Town Area Committees and Notified Area Committees with less than 20,000 population.</p> | 1 — 00<br>1 — 50 |
|--|------------------|

With regard to specific grants, the Committee is of the opinion that for Water Supply and Drainage Schemes grants should be made on the following lines :—

- |  |   |
|--|---|
| <p>(1) Class A Corporation/Metropolitan cities and big industrial centres</p> <p>(2) Class B Corporation/Municipalities covering cities with more than five lakhs.</p> | <p>No grant should be given but State and Central Governments should give all assistance in securing loans on liberal terms. Some grant may be necessary but this may be decided by the State Government after taking into consideration all the relevant factors and with a view to making the project a practical proposition.</p> <p>10 per cent of the total cost of the scheme should be contributed by the Municipalities</p> |
| <p>(3) Corporation/Municipalities with more than one lakh but less than five lakhs population</p>  | <p>66-2/3 per cent to be raised as loans by the Municipalities and the State Government would give the necessary guarantee. 33-1/3 per cent would be given as grant.</p> <p>10 per cent contribution by the Municipalities.</p>   |
| <p>(4) Municipalities with more than 50,000 but less than one lakh population.</p>   | <p>50 per cent loans to be raised by the Municipalities with Government's guarantee.</p> <p>10 per cent contribution by the Municipalities.</p>   |
| <p>(5) Municipalities with more than 20,000 but less than one lakh population.</p>   | <p>40 per cent loan to be raised by the Municipalities with Government guarantee.</p>   |

- (6) Municipalities, Town Area Committees and Notified Area Committees with less than 20,000 population. 10 per cent contribution by the local bodies.  
30 per cent to be raised as loans with Govt. guarantee.  
60 per cent grant.

A more liberal pattern of financial assistance should be adopted for large pilgrim centres, places of tourists interest, hill towns and towns where due to technical difficulties the cost of water supply schemes is unusually high. In the cases of these local bodies, a minimum contribution by the local body need not be insisted upon and the percentage of grant assistance can be increased according to the circumstances of each case.

For developmental activities such as public health measures, parks and gardens, sports stadia, theatres, libraries, swimming pools, etc. grant may be given.

To cover the increased administrative costs over payment of increased salaries cost of living allowance etc. at least 51 per cent grant should be given.

Certain services like water supply, sewage, drainage, public health measures/primary education, maternity and child welfare etc., though local in character, are national in importance. The Central Government as well as the State Government should, therefore, share the responsibility for providing these services to the urban population.

(12) The debt of remunerative enterprises should be a charge on the revenue derived from these enterprises. There should, however, be staggering of dates for paying instalments for the repayment of loans at least for such period till the enterprises really become remunerative. Local bodies should not be allowed to borrow indiscriminately from the open market but should borrow their entire loan requirements either from the State Government or from a Central Loans Institution like the Urban Development Board.

(13) The proposed Bill for levy of Terminal Tax on passengers and Goods carried by rail should now be enacted by the Government of India. For such time, till the Bill is enacted, the Railways should make recurring annual grants to the State Governments for the development of the urban areas from where the rail earnings mainly arise and this grant should be based on the approximate esti-

mated yield from the Terminal Tax, if it is actually levied in terms of the proposed Bill.

(14) To tax floating population who come to metropolitan cities and important centres of trade and industry from a distance of within 150 miles, a tax which should be in the nature of a small surcharge on railway fares and bus fares should be levied. The active proceeds of this tax should also be made over to the urban local bodies concerned.

(15) For mopping up unearned increments in land values an Urban Land Tax should be levied on the market value of urban land irrespective of the value of the building standing on it. When the property is proposed to be put to more profitable use, a Development Charge may be levied before permission is given to change the land use. The proceeds of these taxes should be made over to the urban local bodies wherever they are responsible for implementation of the Master Plan or to Improvement Trusts or Development Boards as the case may be.

(16) Where the States are already levying tax on the consumption of electricity, a surcharge should be added to the existing duty and the proceeds of this surcharge should be made available to the urban local bodies. Where no such duty is in force, the urban local bodies by suitable amendment of the Municipal enactments, should be authorised to impose tax on the consumption of electricity at a rate not exceeding 10 per cent of the existing electricity rates.

#### A Wide Scope for Service

In comparison to the foreign advanced countries the powers and functions entrusted to the Indian Local bodies or municipalities are very much less. The obligatory functions of the municipalities of our country are the supporting of primary education, medical relief and public health, providing for, and construction and maintenance of public roads, streets, lands and bylanes in the municipal limits, adequate water supply for drinking and gardening purposes, street and domestic lighting, sanitation and scavenging of the public places, abatement of public nuisances, regulation of offensive and dangerous trades, drainage (surface and underground), maintenance of hospitals and dispensaries in order to provide medical aid to the people, construction and maintenance of public markets, vaccination, slaughter houses, sanitary convenience and other works for public welfare like fire protection, sanctioning of building plans according to layouts in planned basis, the transport facilities, electric supply, reclamation of insanitary, unhygienic and unhealthy colonies etc.

These are various functions of the members of the local authorities. The members of the local bodies and the councillors elected to Corporations have to work and supervise the work in corporations. The public spirited people have to perform a great responsibility entrusted upon them by the electors for the welfare of local community and also for the maintenance of standard and tradition of local self-government for shaping the pattern of the institution.

### **Foreign and Indian Municipalities**

There are several advanced countries of the world where the functions of local bodies are the same, but different and much more advanced than the working of local bodies in India. The functions of Indian municipalities are less extensive in some directions such as the police, trading enterprises and some basic groups of social services like medical and public health, housing problems, hospitalisation, relief to the poor and destitutes and unemployment etc. There are items which are not legally permitted in some of the Municipal Committees in our country. As for example, the maternity and child welfare work does not find a mention of obligatory function of some of the big local bodies here. The police, trading services etc. are not considered even practicable to be placed within the jurisdiction of local bodies.

The main difference between Indian municipalities and their foreign prototypes is to be found in the fact that even in the working of legally permitted mandatory functions like imparting of primary compulsory education or the supply of wholesome and filtered water to the people the performance are not adequate. The compulsory and free elementary education on efficient lines is a necessity for imparting to every child with free mid-day meals. There is no fully developed school medical service, physical culture and extra-curricular activities, the civic, moral and cultural education, industrial and technical education, the provision of well-equipped libraries, museums and other facilities for raising the standard of the people. To supply electricity to the people in local body areas for domestic and public purposes, and to provide the transport facilities to the tax payers, whether privately owned transport or otherwise, is the responsibility of the local bodies. As has already been mentioned, the water supply for drinking purposes, the sewage disposal working on comprehensive basis, prevention of the pollution of water supply sources, cleaning of roads and public places, the conservancy system of up-to-date lines,

removal of public nuisance, the inspection of getting prompt attention to check adulteration of food and to prohibit the supply of sub-standard drugs, control of epidemics and infectious diseases, provision and maintenance of burial and cremation grounds, regulation of markets, arrangement for the registration of birth and death in order to get correct statistics, steps for providing houses to the homeless, town planning and community development programme, industrial welfare and improvements in places of workshops, medical aid in general and public conveniences like wash houses, public latrines, urinals and baths etc., all these amenities determine essentially the basic functions of local bodies.

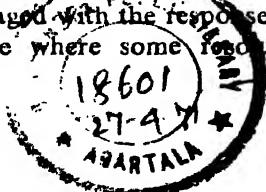
### **Municipal Backwardness**

The municipal functions of local bodies are not given practical shape mainly due to defective law and indifference of the State Governments towards the local bodies in the country. The planned development of the country was undertaken and the community development and national extension service have raised the question of the role of local government authorities. This is a very comprehensive subject. The major problems facing the country and particularly the local bodies struggling to provide increased amenities to fast growing population can successfully be tackled with adequate sources of finances. It is a fact that the finances of local bodies are quite insufficient due to which they are at present greatly handicapped for adequate financial resources. The cost of municipal services has been mounting day by day on account of rise in prices of material things and wages. The State and the Central Governments are reluctant to increase the grants to the local bodies due to several factors, and the taxable capacity of the rate payer appears to have been exhausted. The financial position has deteriorated still further on account of the heavy liability arising out of the decision of the Government to implement the pay commission recommendations and other benefits of A class city to municipal employees.

### **Common Problems of Civic Bodies**

The lack of co-ordination, financial stringency and apathy of Government administration towards the local bodies were the basic problems.

In order to exchange views over common municipal problems all the Mayors met at Hyderabad at a conference in June, 1958. The organisers were encouraged with the response of 11 Mayors of India attending the conference where some resolutions were passed to



attract the attention of the Government of India on various matters. Consequently a regular body called the All India Council of Mayors was formed with the following objects :

To promote the growth of constitutions of municipal corporations on democratic and autonomous lines and also for arranging publicity organs for educating people on civic issues. It was pointed out that privileges of the civic bodies, augmentation of financial resources, participation in local bodies conferences in India and abroad to help and promote establishment of healthy traditions and to cultivate the spirit of citizenship among the people be taken up by the organizations.

### **Democracy and City Problems**

The affairs of the city are administered by specific regulations framed under the law governing the local bodies. The city like other units of local government is a training school of democracy. It is generally said that the working of local government in urban and rural areas is one of our treasured inheritances. The citizens learn at local level how to attend to things and deal with them in a practical way.

According to primary census abstracts for cities with a population of 50,000 or over in 1961 census the names are given below :— Greater Bombay, Calcutta, Delhi Municipal Corporation, Madras, Hyderabad, Bangalore, Ahmedabad, Kanpur, Lucknow, Poona, Sholapur, Jamshedpur, Cochin, Ernakulam, Trivandrum, Gwalior, Baroda, Srinagar, Surat, Bareilly, Meerut township, Jullundur town group, Solan, Calicut town group, Dharwar township, Ludhiana, Ajmer, Vijaywada, Jodhpur, Bhopal township, Kalyan, Rajkot, Kolhapur, Moradabad, Palayamcottai, Guntur, Saharanpur, Aligarh, Visakapatnam, Ambala township, Gorakhpur, Bhavnagar, Mangalore township, Jhansi town group Warangal, Gaya, Bikaner, Jamnagar, Belgaum, Cuttack, Bhagalpur, Ujjain, Ranchi, Kharagpur, Rajamundri, Patiala, Mathura, Sagli Vellora Kote, Ahmadnagar, Akola and several other places.

### **Scope Of Services Compared**

The conditions prevailing in India for the running of local bodies are very much unfavourable than in other countries which are being administered by the democratic way of working. In England local government is conducted by elected local authorities acting in accordance with duties and powers conferred on them by Parliament

in all matters concerning the inhabitants in the jurisdiction of a local body excluding the local offices of the Government Department. The local authorities become responsible to environmental health services and personal welfare services including Education, Housing, Town Planning, Traffic Administration, Fire Service and Police and Civil Defence.

The more the influx of population to big cities, the more acute become problems for local bodies for providing more amenities and better facilities to the people. It is estimated that 1,50,000 persons come to Delhi from outside and a similar number leave Delhi every-day. In order to provide amenities and facilities for this mobile population resources are required for additional transport, sanitation, public latrines, urinals and a good number of rest-houses and roofed shelters. Almost every year the homeless persons who make use of the footpaths during summer and winter lose precious lives either due to extreme cold in winter or heat waves in summer. Regarding finances the All India Council of Mayors had presented a memorandum on local finances to the 4th Finance Commission but it was not considered as it was not within the scope of reference of the Commission. According to the growing investigation of public activities and Modern Planning on comprehensive basis the finance of the local bodies and the finances of such authorities have become an integral part of the programme of the State and Union Governments.

There are so many problems of public importance which are not taken up due to lack of finances even though the local authorities are called upon to perform a duty and play an increasingly important part in industrial and economic developments according to modern requirements. With the increasing industrialisation and urbanisation under the impetus of development and planning the local bodies form a growing part of the expanding public sector with powers to raise and spare considerable amount of public funds. In this way the problem of the resources of local bodies should be considered in the context of overall national budget, consisting of Union and State Governments budget along with that of the local bodies.

In big cities like Calcutta, Bombay, Madras, Delhi, Lucknow etc. the expenditure on capital works and the construction of National Highways may be shared by the Central Government (Central Road Funds), State Government (State Road Funds) and the Municipal Corporation. This should be done with Government backing and support so that the civic bodies may not be asked to spend out of

the revenue account which is negligible. There is a wide scope of service in the field of local bodies working which will be further discussed in the coming chapters.

### Sphere of Activities of Local Bodies

In the words of Dr. Sushila Nayer, the then Central Health Minister while inaugurating the All India Council of Mayors\* all the basic needs of life fall within the purview of the Municipal Corporations or the civic bodies and for the citizens efficient working Corporations are far more important than the State Legislatures or the Parliament. The urban local bodies have to face difficult and complicated problems like housing, efficient transport service, education on sound lines, wholesome water supply for drinking purpose, good standard of sanitiation, regular medical aid, food adulteration and other basic amenities for the people.

There are two wheels for the successful working of the local bodies, the deliberative and the executive wings. This matter was seriously considered by the Government in some States where the power were delegated to the presidents of Municipal Committees under specific provision of the Municipal acts. The Punjab Municipal Act of 1911 which was applicable to Delhi also empowered the president to enjoy certain executive powers for running the administration as executive officers. In a conference of the State Health Ministers 1954, after considering pros and cons of the powers enjoyed by the heads of the administration and deliberative wings it was recommended that "for improving the standards of administration in local bodies there is a good case for separating executive functions from the deliberative wing of policy making functions. The policy making should be the sphere of the elected wing of the local bodies. Once decisions on policy matters have been adopted the implementation and the execution are the functions of the executive wing who may be made responsible for completing the works entrusted to it." It was further recommended that the necessary corollary to this principle was, that the important executive posts in the local bodies should be centralised on a State-wise basis and should be made transferable. This view was supported by the Central Council of Local Self-Government.

Till recently in the country the Municipal Committees in majority of the States are governed by Acts enacted several decades

\* Proceedings of the second meeting of the All India Council of Mayors held at Bangalore on 24th August 1962 inaugural session.

back such as the Punjab Municipal Act, 1911, the U.P. Municipalities Act, 1916, the Bihar and Orissa Act of 1922, the Madras Municipalities Act, 1932 which have not been changed except for some amendments from time to time. Later on, the Calcutta Municipal Act, 1923 was amended in 1951 and adopted the Bombay pattern. There are at present 25 Municipal Corporations in India, 1487 Municipal Councils, 62 Cantonment Boards, 164 Notified Area Committees and 327 Town Area Committees.

The state-wise number and types of local bodies in the country are given in the following table in order to show how many such bodies fall in each State :—

| Sl.<br>No. | Name of State                | Corporations | Municipal-TAC<br>ities | NAC | Total |
|------------|------------------------------|--------------|------------------------|-----|-------|
| 1.         | Andhra Pradesh               | 1            | 127                    | —   | 128   |
| 2.         | Assam                        | —            | 20                     | 28  | 48    |
| 3.         | Bihar                        | 1            | 48                     | —   | 88    |
| 4.         | Gujarat                      | 1            | 56                     | —   | 57    |
| 5.         | Jammu & Kashmir              | —            | 3                      | 6   | 29    |
| 6.         | Kerala                       | 2            | 28                     | 1   | 31    |
| 7.         | Madhya Pradesh               | 4            | 161                    | 5   | 171   |
| 8.         | Madras                       | 1            | 80                     | —   | 81    |
| 9.         | Maharashtra                  | 4            | 220                    | —   | 224   |
| 10.        | Mysore                       | 2            | 163                    | —   | 174   |
| 11.        | Orissa                       | —            | 19                     | —   | 40    |
| 12.        | Punjab                       | 1            | 170                    | —   | 176   |
| 13.        | Rajasthan                    | —            | 141                    | —   | 141   |
| 14.        | Uttar Pradesh                | 5            | 137                    | 279 | 459   |
| 15.        | West Bengal                  | 2            | 86                     | 5   | 94    |
| 16.        | Delhi                        | 1            | 1                      | —   | 2     |
| 17.        | Himachal Pradesh             | —            | 7                      | 3   | 12    |
| 18.        | Manipur                      | —            | 1                      | —   | 1     |
| 19.        | Andaman & Nicobar<br>Islands | —            | 1                      | —   | 1     |
| 20.        | Pondicherry                  | —            | 4                      | —   | 4     |
| 21.        | Tripura                      | —            | 1                      | —   | 1     |
| 22.        | Goa, Daman & Diu             | —            | 13                     | —   | 13    |
|            |                              | 25           | 1487                   | 327 | 164   |
|            |                              |              |                        |     | 2003  |

Some States, like Assam, Jammu & Kashmir, Orissa, and Rajasthan, have no municipal corporation. In Union Territories only

**Delhi has a corporation.** The Bangalore Municipal Corporation Act, 1949, Trivandrum City Municipal Act 1952 and the Calicut City Municipal Act 1961 have been constituted according to the pattern of Madras City Municipal Act, 1919, with the exception that the powers of the corporations are limited with greater control of the State Governments. The Bombay Provincial Municipal Corporation Act, 1949, applies to Ahmedabad, Baroda, Hubli-Drawar, Poona, Sholapur and Nagpur. Delhi Corporation Act, 1957, was enacted more or less on the pattern of Bombay Municipal Corporation Act.

The Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, is the combination of Bombay Municipal Corporation Act, the U.P. Town Improvement Act, 1919, and U.P. Municipalities Act, 1916. The Municipal Corporation of Kanpur, Allahabad, Varanasi, Agra and Lucknow were set up under this Act. The Calcutta Metropolitan District covers an area of 400 square miles and within this area there are two municipal corporations, 33 municipalities and one cantonment board. The Bombay and Madras Corporations are surrounded by a number of local bodies. The Delhi Municipal Corporation has an area 558 square miles except small pockets of the New Delhi Municipal Committee and Delhi Cantonment. In 1947 there were only three metropolitan towns in the country, Calcutta, Bombay and Madras but now their number stands at 25. In the State capitals the institution of municipal corporation carries a large degree of prestige, power, status and autonomy. It is considered more practicable in public interest if all the cities having a population of more than 5 lakhs with the annual income of one crore rupees are converted into municipal corporations in order to undertake higher responsibilities for up-to-date development and modern amenities for the growing population.

### **Population and Development**

India's population totals 15% of the world population on 2% of the land area. During the decade ending with the year 1961 she has added 77 million to the existing population of 369 million people. Despite substantial growth of cities the country was still more than 80% rural according to 1961 census. Leaving the rural areas for discussion in the coming chapters there is a necessity for proper development and planning of the urban areas where local bodies are functioning for public services. The big cities are becoming unmanageable and the costs of providing and maintaining civic services and amenities in large metropolitan areas are extremely

high. There is a growing demand for limiting the size of big cities. The restrictive measures adopted cannot help to check the growth on unplanned bases in large cities in order to regulate rural urban migration. The need for the preparation of national, regional and city plans be realised and the programme of the urban development be undertaken. In order to create better conditions and good surroundings in the local bodies areas separate Town Planning Acts were enacted. In Bombay it was passed in 1915. A similar Act was passed for Madras in 1920. These Acts empower and entrust the planning and development functions to the civic bodies within their jurisdiction. The Bombay Act was later on revised in 1954. In 1959 the Act passed by the U.P. Government empowered the local authorities to prepare plan and enforce in it their jurisdiction but the U.P. Act authorises the municipal corporation for preparing plans and enforcing the same and to operate in the area within two miles of their limits. Ultimately, keeping in view the urgency and importance of planning the cities a moral law for town and country planning was prepared which was approved by the conference of the Ministers of Town and Country Planning in 1962.

#### **Delhi Development Authority**

Development Act for Delhi was passed in 1957 for the plan work and development of the capital city of the country under which an autonomous body was constituted for preparing the Master Plan for Delhi and also detailed zonal plans for different areas into which the whole urbanisable area has been divided. In order to define functions for city improvements the Municipal Corporation of Delhi has been restricted to permitting the areas which have not been declared as development area for purposes of the zonal plans. The Municipal Corporation cannot allow the construction or development which is inconsistent with the provisions of the Master Plan. The Delhi Development Authority being a high power body enjoys wide powers for acquisition and development but it is handicapped in its plans for the development of the cities without provision of water supply, sewerage, and drainage facilities which is the function of the Delhi Municipal Corporation. The Delhi Development Authority shall promote and secure the development of Delhi according to plan and for that purpose it enjoys the powers to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage etc. in all the projects carried on by the authority.

There has been considerable town planning activity in the country and in the Third Five Year Plan the Government of India gave 10% assistance as grant to the State Government for urban development, industrial centres and resources regions. This plan work has not advanced due to lack of machinery for the successful enforcement and implementation. The Master Plan was approved for Bombay Corporation area with a view that the population of the city be restricted to 37 lakhs with a density of 140 in urban area and 50 in suburbs. The plan programme embodies ambitious proposals for industry, docks, housing, parks, traffic, transport, water supply and the creation of satellite towns and community centres. All these proposals still await means for their realisation. The Delhi Master Plan was enforced on 1.9.62 but due to lack of implementing agencies and financial considerations the pace of work is very slow. The improvement schemes of Calcutta, Madras and other places as were provided in the Third Five Year Plan have yet to be implemented.

In India we find lot of drawbacks due to various factors but in several other big cities of the world the position is also not so much bright. The need for comprehensive planning is felt very strongly in all big cities of the world. It is with the view of early developments that most great cities all the world over have adopted the Master Plan or are in the process of doing so for quick action in this respect.

In order to embody a comprehensive and ambitious scheme for transferring the city of Moscow, the Soviet Council of Ministers adopted a plan in 1935. It provided for green belts, parks and forests for reconstructions of streets, squares and many other important features. Some of the main items like the construction of great Moscow-Volga Canal and the Saratov Cas pipe-line have been completed but the problem of density of population as provided in the plan of 1935 had to be raised later on.

In New York, the report on Regional Planning for New York State was drawn up by Henry Wright in 1926 and was finalised in 1931 which attracted great public interest and patronage of big business communities but due to political, legal and administrative reasons the target could not be attained.

In greater Paris a regional plan was prepared in 1934-35 on a comprehensive basis. The most important proposal was for the creation of satellite town only to be built by private enterprise with the help and assistance from the city of Paris. This proposal has not yet been carried out for various reasons, as financial position

of the Ville de Paris did not enable it to provide the funds required to pay for highways, transport and utility services needed for the Orly development.

The planning of Rome was rendered difficult by the need to provide for the increased traffic of the city, and to meet the housing problems while preserving and improving the display of historical monuments and artistic buildings which adorn the Italian capital.

The plan for the city of Manchester envisages a radical re-development on bold and progressive lines, but plans for the modern development of London were more ambitious. This plan provided for the decentralization of 5 to 6 lac persons from the country of London to outline areas in 1943. The greater London area covers 2.525 square miles with population of 10 million persons of whom 6.5 millions live in London and 3.5 million in London County. Under the New Towns Act 1946 eight new self-contained colonies or towns were created for population of 4.15 lacs plus the population to be decentralized, raising the total to one million persons in all. This London development plan provides for communications and transportation roads, airfields, inlands, waterways, railway, commercial and industrial centres. This plan for greater London excels in magnitude to the other such big cities like Moscow and New York as nowhere such regional plans ever embarked on such adventurous proposals to the extent of planning and the building of eight new self-contained towns in the outline parts of metropolitan region or the decentralization of population and industry from the old central city. All these proposals have to meet several limitations and it seems a hard job for the Ministry of Housing and Local Government without the co-operation of the Central Government departments.

The above are very attractive and ambitious schemes and so are in our big cities like Bombay, Calcutta, Madras, Delhi and other places. There is general complaint that new designs and planned proposals are very praise-worthy but the inadequate financial resources to provide the municipal services for the great cities retard the progress according to plan.

In India the local bodies are not properly equipped for the huge and extensive task of planning and development. According to the existing administrative and organisational framework, there does not seem to be any authority to be considered suitable for desired co-ordination and integration in policies and programmes to achieve the desired object.

Moreover, the financial position and sources are inadequate. All such planning programmes can only succeed if the Government take the tasks of providing the desired funds for implementing all the schemes. Due to paucity of funds West Bengal suffered a great setback and this was the reason why several Municipal Bodies could not recruit the services of the executive engineers, health officers and overseers. It was revealed that out of 87 Municipalities in West Bengal only 24 could secure the services of the Health Officers, the towns of Gauhati, Ludhiana, Malegaon, Shajanpur and several others with a population of more than one lac have been without assistant engineers as the condition of service, salary scales and prospects of promotion of Municipal Officers compare very unfavourably with those on similar posts under the Government departments.

In some of the foreign countries several big Municipal Corporations are responsible for maintaining law and order in their jurisdiction and for this purpose the police has been placed under such bodies. In New York, London and other places they manage for the police force.

The local bodies are expected to protect the interests of the taxpayers in several respects, fire protection, public health, public welfare etc. The public welfare in America covers a big field for the service of home relief, old age, assistance to the needy, aid to the blind, aid to dependent children, veterans relief, transient relief, charity burials, and distribution of service communities etc. the public works administration, housing, parks for recreation, education, water supply and other essential amenities. All these points are expanded in the next chapters dealing with the problems in detail.

### **Urban Area Problems**

The urban population of the country has increased 300% during the sixty years from 1901 to 1961. In the 1961 census approximately one-fifth of the population was found living in urban areas. In big cities like Calcutta, Bombay, Madras and Delhi the rate of growth of population has been very rapid. In the metropolitan city of Delhi the population has risen within the last 15 years from 1.44 millions to 2.00 millions, due to the fact that the influx of people from different parts of the country to the capital city was very great. This rush is continuing which brings in the wake of Delhi Municipal Corporation a multiplicity of civic problems including the housing. The shortage of houses in big cities has resulted in excessive overcrowding. In Delhi alone it has been officially estimated that

about 1,00,000 persons move into Delhi annually. After providing shelter to 1,20,000 persons from footpaths about 3 lac still remain to be rehabilitated. The Government of India is providing 62½% as subsidy and 37½% as loan to the Municipal Corporation, Delhi, and the jhuggi-jhopri removal scheme is financed in its entirety by the Government. Though this problem is more acute in Delhi it is evident that the people openly squat on footpaths and public places also in other big cities of the country. It is really a serious issue to be handled strictly but no local body can succeed in solving this ever-increasing problem where some of the elected representatives create a lot of difficulties for the municipal administration. It is for the government to deal with it in a stern way. The unauthorised squatting should be made a penal offence so as to hold the police responsible for checking the menace of unlawful occupation on government land and the occupants be evicted under Public Premises Eviction Act.

#### **Traditional Functions of Indian Municipalities**

In independent India lot of practical thinking has been made by the government on the subject of local government and some far reaching reforms and changes on democratic lines have been effected. The traditional structure and autocratic working have been changed considerably. The government made sporadic attempts to reorganise the whole system through legislation and some of the important improvements in the trend and feature of the new legislative measures are as follows :—

- (a) There used to be a restricted franchise in local bodies in all the States which have since been replaced by adult franchise.
- (b) The old system of electing presidents of the municipal board directly by primary voters having proved ineffective has been replaced. The presidents of local bodies are being elected by the members of the local bodies.
- (c) The old narrow outlook was changed to provide for state cadres of municipal employees particularly for executive officers, engineers, health officers and accountants.
- (d) In order to improve the executive working attempts have been made to give more powers to the executive officers so as to get more and speedy work in the bodies.
- (e) In order to tone up the administration the appointments of certain posts are being made on the recommendation of the Public Service Commission.

- (f) Liberal attitude has been adopted to declare small towns with a population of 5,000 or more as local bodies with powers to improve conditions with public co-operation and State government backing.

The first and the Second Five Year Plans could not pay any attention for improving the lot of urban population. In the Third Plan there were specific proposals for co-ordinated urban development which envisage a regional approach to problems of industrialisation and urbanisation.

The Third Five Year Plan laid down that in the next phase of planning as many towns and cities as possible with over 10,00,000 of population should come into the scheme of planning in an organised way, each city mobilising its own resources and helping to create conditions for a better life for its citizens. The Plan further observed that formidable problems and their solutions could best be found by the Municipal Administration and also by general public and that the burden may not be put on the State governments. There were certain directions for taking action during the Third Plan period which were :--

- (i) Control of urban land values through public acquisition of land and the fiscal policies.
- (ii) The planning of the use of land and the preparation of Master Plans for development of the land available for residential, commercial and industrial purposes.
- (iii) To strengthen municipal administration for taking the development programmes under the old system when officials or the Deputy Commissioners used to be chairmen of the local bodies and presided and conducted proceedings of the meetings.

In India the conditions of the Municipal Corporations differ in several ways. The origin of local bodies reforms came when in the country the British Rule was on its prime. In order to throw light on the position of Corporations and local bodies it is considered necessary to give the background and the previous picture with the advancements observed at present in their working and administration.

#### **Municipal Corporation of Greater Bombay**

Bombay came into British possession in 1661 as a royal gift on the marriage of Charles II with Catherine of Brangauza Portugal. Till 1793 the civic administration was conducted by the

Governor with his council. In 1803 the whole city of Bombay was wiped out by a big fire after which it was rebuilt. It was between 1807 and 1833 that several Acts were passed to get the advancement of civic life of Bombay and some taxes were levied on shops and vehicles etc. It was in 1845 that a Board was constituted for administration and continued till 1865 with some changes when Municipal Act was passed to give an important landmark in the civic conditions of the city. Since then the agitation continued which led eventually to the Municipal Act in 1872, providing for 64 members with limited franchise. In 1882 Lord Ripon made pronouncement in which still more powers were given to local bodies. The public demanded liberal extension for local self-government resulting in the present Act III of 1888. The Government of India Act 1935 granted further reforms in which franchise widened further in 1936 and the number of Municipal Councillors was increased to 112 by abolishing all the nominations almost to nil. Again in 1942 adult franchise was provided and the tenure of office was raised to 4 years instead of 3 years fixed earlier and the first general election based upon adult franchise was held in 1948. At present the greater Bombay is divided into 44 wards with 131 seats, all elected. The area of the Corporation is 166.99 sq. miles with a population of 45 lacs.

There are some statutory committees constituted under the Act which enjoy powers for day-to-day working of the respective departments. The committees are :—

#### **Standing Committee**

With powers to sanction contracts to frame the budget and schedule of establishment, service regulations, investment of municipal funds and to maintain regular accounts, it consists of 16 members with a quorum of 6 and four years tenure.

#### **Improvement Committee**

This committee consists of 16 members with a quorum of 8 and 4 years tenure and is responsible for the schemes for development and improvement, slum clearance, housing etc.

#### **Education Committee**

It consists of 16 members including 4 non-councillors with a quorum of 8 and the tenure 4 years. It deals with primary education of the Corporation area.

### **Electricity and Transport Committee**

It consists of 9 members with 4 years tenure for exercising general control over the electric supply and transport undertakings of the corporation under the Act.

### **Special**

(1) Works Committee of 24 members ; (2) Medical Relief and Public Health Committee, 24 members; (3) Market and Gardens Committee, 24 members; (4) Law, Revenue and General Purposes Committee, 24 members all for four years. There are two kinds of functions i.e. obligatory and discretionary.

### **Water Supply System**

There are four sources of water supply in Bombay i.e. Tansa, Vihar, Tulsi, Vaitarna. The Tansa and Vaitarna are situated at a distance of 100 k.m. from Bombay.

### **MUNICIPAL CORPORATION OF CALCUTTA**

In the eighteenth century the city of Calcutta was a conglomeration of *kachcha* houses, huts, tanks and jungles, ill-kept roads, open surface drains and no lighting and conservancy arrangements were in existence. The Dalhousie Square became the official centre for the East India Company which even now is the best commercial place of the whole city. At the end of the 18th century the city was governed by the Chief Magistrate who held the judicial, fiscal and municipal powers ; the building activities speedily advanced ; steps were taken to improve roads and conservancy system and a small police force were established as security measures.

In 1774 an Act of Parliament changed the system when the Governor-General was appointed with a council of 4 members and also Supreme Court was established in Calcutta with 4 Puisne judges and Chief Justice. Thus Calcutta became the official capital of the British empire in India. In the early part of the 19th century the conditions started improving when new roads opened, the old roads improved and Town Hall was built but the condition of the city continued to be dirty and unhygienic : unhealthy surroundings, ill kept roads, stinking open drains and overcrowded, congested and narrow lanes were the problems of that time. In 1911 a scheme of a huge overhead reservoir was completed at Tallah, north of the city for water supply. In 1911 the capital of British India was shifted to Delhi but Calcutta developed and became an industrial and

commercial centre. It further expanded to be a great centre for education, culture and arts, and became international port, airport and starting point of great Railway systems that practically cover the whole country. Calcutta continued to maintain its importance as the capital city of Bengal which is even now the capital of West Bengal after 1947 partition.

### **Municipal History of Calcutta**

The first Corporation came into existence in 1727 with 9 aldermen and one Mayor to function in addition to his judicial duties. In 1794 Justices of Peace for the town were appointed by the statute and regular assessment was authorised and the expenditure was met from the revenue collected from house tax, licence fee and sale of liquor in the city, conservancy service and police. In 1847 elected members were taken on a board of 7 paid persons including three officially nominated.

In 1888 the strength of Municipal Commissioners was raised to 75 of whom 50 were elected, 15 appointed by Government and 10 nominated by the Chamber of Commerce, Port trust and Trade associations. Again in 1899 some changes took place when 28 members resigned as a protest against the Government notification for strict control and interference. In 1923, Shri Surender Nath Banerjee the first Minister of Local Self-Government, Bengal, effected important changes and liberal democratic lines were instituted with a Mayor, a Deputy Mayor, 5 aldermen and 90 councillors. The executive powers were vested in the Chief Executive Officer. The area lying outside Calcutta comprising municipalities of Moniktala, Kossipur, Chitpur and New Dock Extension area was added to create greater Calcutta.

In 1948 the Corporation was superseded for mal-administration by the Government which ended on 30th April, 1952 when Calcutta Municipal Act 1951 (West Bengal Act XXXIII of 1951) came into operation. This Act provided three independent authorities distinctly.

1. Municipal Corporation.
2. Seven Standing Committees for (i) Education; (ii) Accounts; (iii) Taxation and Finance; (iv) Health; (v) Town Planning and Improvement; (vi) Works; and (vii) Buildings.

The Standing Committees enjoyed statutory powers and the Commissioner all executive powers of the civic bodies. The Mayor

was given some new powers under the revised Act, 1952. He was enjoying very important powers of hearing appeals in cases of disciplinary action taken against the employees and his decisions were final. It was not only the Mayor who had access to all municipal records but the councillors and aldermen also had access to all records, files and documents during office hours. The Mayor was authorised to delegate some of his powers to the Deputy Mayor. In 1953 Act the Municipal Corporation of Calcutta was divided into 80 wards and two more Standing Committees as public committees for Public Welfare were created. The Calcutta Municipal Act was further amended under which the life of the Corporation was extended to four years. The powers of Statutory Committees and also the rates of taxes were revised in 1956. As for the financial position of the Corporation, the total outstanding debt the corporation had to pay to the State and the Central Governments was to the extent of Rs. 90,598,000 (debenture loan) upto 1963-64. The standard of sanitation and public amenities like water supply etc. provided in the proper city of Calcutta were quite inadequate mainly due to the fact that the financial position did not justify to meet the growing demands of the heavy population which may be over 80,00,000 at present. The actual position of water supply system is being taken up for improvement by the World Health Organization experts for which a team of 4 consultants was deputed to examine the problems and to collect information on projects and hydrologic data to improve the intermittent water supply of greater Calcutta. A vast industrial centre sprang over either side of the river Hoogly for about 40 miles with a depth of 3 to 5 miles from the banks on both sides. In Calcutta city there is dual water supply system, u: filtered and filtered. There are places where unfiltered water is obliged to be used which is responsible for gastro-intestinal and other ailments between March to June every year. Municipal Corporation Act steps are being taken for the improvement of sanitation of dwellings in respect of connected privy, service privy, house dwelling and flush arrangements and other sanitary apparatus etc. Connecting all the houses with adjacent sewer lines is a huge work which requires lot of money. There is no corporation in the country which can afford to spare finances for sewer connections out of the limited sources of revenue. In this connection a special chapter will deal with the finances of local bodies particularly the Municipal Corporations situated in the capital cities of the State and Central Governments.

### DELHI LOCAL BODY

It was in 1869 that a committee of four Britishers and seven Indians met and appointed a sub committee to carry on the duties of the Municipal Committee, Delhi. In 1912, Major H.C. Beadon was the President of the Committee and with him the Municipal Secretary was only the executive officer. The Finance and the Health departments were set up. In 1911 when Delhi became the capital city there was no specific change in sewer conditions. The influx of large service personnel to Delhi created a cosmopolitan outlook which was reflected in the demand for amenities like water, electricity etc. Delhi changed into conglomeration of townships and satellite towns which created demand for development and consolidation as urban area. There were several units with separate statutory local bodies to work for civic problems but due to lack of co-ordination the condition did not improve. There was Delhi Municipal Committee bounded on the north by civil lines, east by river Jamuna, south by New Delhi and west by District Boards and West Delhi Committee. The Punjab Municipal Act, 1911, as applicable to Delhi did not define with sufficient reasons, the duties of the executive staff and individual members were interested in the administration like appointments, promotions and transfers of members of the staff. There were besides Delhi Municipal Committee, the New Delhi Municipal Committee, the civil lines, West Committee, the Civil Lines, West Delhi, Fort Area, Notified Areas Committees, Shahdara Municipal Committee, Mehrouli Municipal Committee and the District Board. Under an Act of Parliament (Act 66 of 1957) a Municipal Corporation was constituted on 7th April, 1958 in which all the local bodies were amalgamated except the New Delhi Municipal Committee, covering an area of 539.12 sq. miles. The total number of elected members was 80 under section 3(5) of the Delhi Municipal Corporation Act, 1957, with 80 wards with six aldermen chosen by the Councillors for a term of 4 years. Under the provision of the Constitution and the Representation of the People Act, 1950, all voters eligible to vote to the house of the people were entitled to vote on adult franchise basis. The quorum of meeting was fixed as one-fifth of total number of members. The notice for calling meetings was 72 hours for ordinary and special meetings, but for adjourned or emergent meetings it was 24 hours, under section 74 of the Act. If any Councillor does not behave properly and

create obstruction in the conduct of meetings or is responsible for disorderly scenes he is liable to be named by the Mayor or in his absence by the Deputy Mayor as presiding authority and can be ordered to withdraw from the meeting and if the member is asked to withdraw a second time in a fortnight the Mayor may suspend the member from attending the meetings for any period not exceeding 15 days. The Corporation has powers under section 82 of the Act to frame its rules for procedure and conduct of meetings. Under the Delhi Municipal Corporation (Procedure and Conduct of Business) Regulation 1958 the urgent business is proposed either by the Commissioner or the Statutory Committee. The member is allowed to speak in English, Hindi or Urdu. The budget estimates should be adopted finally on 31st March. The decision of the Mayor on point of order is final. A question once disposed of can be reopened after three months.

There is one Mayor, one Deputy Mayor for Corporation in the deliberative wing. The Mayor has full access to all the records of the Corporation and obtain report from the Commissioner, the General Managers of Delhi Electric Supply Undertaking and Delhi Transport Undertaking under Section 36(3) of the Act. The Mayor is entitled to incur, at the expense of the Corporation, charges on official entertainment not exceeding Rs. 6,000 per year.

The Mayor is entitled to the use of motor car, telephone and residence at Municipal costs. The tenure of office of the Mayor and Deputy Mayor is one year. Delhi Municipal Corporation Act is being amended and Metropolitan Council, Delhi, has recommended under the new amended Act Mayor-in-Council structure with the executive powers vesting in the Mayor.

The councillors and aldermen draw Rs. 25 per meeting with a maximum limit of Rs 300 in a month.

#### **Authorities in the Corporation**

The Commissioner is appointed by the Government for five years which may be extended for one year at a time. He is the executive head under section 59 of the Act to enjoy all the powers for running the administration.

#### **The Standing Committee**

\*The Standing Committee shall exercise such powers and perform such functions, as are specially conferred or imposed under Section 49 of the Act. It consists of 14 members.

Delhi Electric Supply Committee, Delhi Transport Committee, Delhi Water Supply and Sewage Disposal Committee are responsible for the conduct and management of respective departments for efficient discharge of their responsibilities, and perform such functions and exercise such powers as are conferred or imposed by the Act. There are some obligatory and discretionary functions which are incumbent on the Corporation to make adequate provision by any means or measures for giving effect. The Corporation has to meet its liabilities which are beyond its financial capacities and several of the mandatory functions remain unattended mainly due to lack of funds. Delhi being capital, Government has its own importance, and as such has got more responsibilities for meeting with the civic requirements of the tax payers. This is a problem for Delhi Corporation to act according to the expectation of 3.5 million people especially when the old city is very thickly populated and at some places the density of population is between 7 to 9 hundreds in one acre.

### Development Plan

There is a separate Act for Delhi called the Delhi Development Act 1957 which gives statutory powers to a constituted body "DELHI DEVELOPMENT AUTHORITY." This Authority is responsible for improving the conditions of slum areas of Delhi and to plan the city on modern designs. This Authority prepared a master plan for Delhi which came into force from 1.9.1962. The master plan aims at checking the haphazard growth of new colonies without any planning. There is a statutory provision under section 313 of the Corporation Act under which no colony can be developed, sold or transacted unless the Standing Committee of the Corporation approves of the plan. It is an offence to deal with unapproved colonies, but in Delhi such colonies are openly coming up without any serious action to check their haphazard growth. In December 1955 the planning organization was set up by the Central Government to advise the Delhi Development Authority in all matters relating to planning and improvements in the national capital.

It is a matter of great concern that the Municipal Corporation of Delhi has failed to improve conditions to the desired extent even though the Central Government extended full patronage by financial help for implementing the schemes for improving the lot of slum *basties*. The development and re-development programmes of the areas

taken in hand by the Slum Department of the Corporation is still incomplete and no area worth the name has been developed according to the modern design. It is a pity that the D.D.A. has not been able to prepare the Zonal Plan for Delhi which was an obligatory function under the Delhi Development Act.

### **Revenue**

The sources of revenue of the Corporation are taxation including General Tax in the shape of property tax, grants from the Government except for capital expenditure, water supply charges, land and building rents and tehbazari, shops and establishments, registration fee for advertisements, theatre tax, receipts from market and slaughter houses, terminal and other taxes etc.

### **Expenditure**

On water supply, public health, medical aid, like hospitals, dispensaries, maternity and child welfare, education (primary free and compulsory) maintenance of roads, transport, electric supply, street-lighting and other amenities to be extended to the people, the Corporation has to spend besides administration, out of the total revenue on income side.

### **Improvement Schemes**

The Delhi Municipal Corporation has to attend to various schemes like improvement, augmentation and stabilisation of water supply system, slums and other haphazardly sprung up new *busties*, transportation on efficient lines, to impart education to all school age children (there are over 1,40,000 children in Delhi who do not get any sort of education according to the survey carried out in 1965 by the Municipal Corporation of Delhi), to provide open parks and recreational centres for public to be used as lungs for congested areas. The conditions of the roads, footpaths, lanes and bylanes have to be improved. The city which was one day a place for 4,00,000 people is expanded to accommodate over 35,00,000 persons settled in unsystematic way for whom all the essential amenities have to be provided within the limited sources of budget provisions.

### **Water Supply System for Delhi**

The sources of supply of water to Delhi are limited. The water comes from Jamuna River at Wazirabad about five miles up-stream of Delhi on north of Town Hall, Delhi, and the River Jamuna at Okhla, 12 miles on south and from tube-wells in Shahdara areas.

The water drawn from Wazirabad and Okhla is treated completely by means of modern rapid gravity filtration plants. The rapid gravity water treatment plant is the largest plant in the country. The quality control of water is done by regular sampling and analysis in a well-equipped laboratory maintained by the Corporation.

Delhi can get benefit if a dam is constructed by the Government anywhere up-stream Tajewala which will be more stable, economical and dependable source for Delhi. The water from Najafgarh Jhil can also be utilised safely.

### MADRAS MUNICIPAL CORPORATION

The Corporation of Madras came into existence on Saturday the 29th September 1688 in areas consisting of the town of Fort St. George and city of Madraspatnam. In 1793 under an Act of Parliament, the management of the city was placed on a new footing. It was in 1856 that some radical changes were made. An Act IX of 1865, divided the town in 8 wards with 32 Municipal Commissioners when the office of the President was also created to discharge the executive functions.

In 1919 the Madras City Municipal Act was passed in pursuance of the recommendations of the Royal Commission on decentralization in India which brought changes to increase the number of elected members and framed the standing committees and defined functions of various authorities and divided the city in 30 wards. The post of the President was designated as Mayor under the amended Act. In the Madras City Municipal (Amendment) Act III of 1933 and, later on in 1936 in the further amended Act wards were increased from 30 to 40, and later on from 40 to 50 in 1947 with 85 members. The total area of Greater Madras is 49.174 sq. miles. On 14th April, 1962 under Act 56 of 1961, the city was divided in 2 parts, North Madras and South Madras, comprising 10 circles consisting of 10 divisions each. The population of Madras in 1961 was 17,25,430. There are 100 councillors in all the 100 divisions. In the meetings 35 members make the quorum. If the conduct of any member in the meeting in the opinion of the Mayor is grossly disorderly he can be directed by the presiding authority to withdraw immediately from the meeting and in case of the refusal by the councillor to withdraw the Chair may order his removal by force. The members may speak in English or Tamil but the proceedings are recorded only in English.

The Mayor is an ex-officio member of every statutory committee except the Licenses and Taxation Appeal Committee. He is elected for one year and no sumptuary allowance is paid to him. He is getting the benefit of car and telephone.

The Corporation is not so sound financially as to meet with the requirements of the growing population. The basic amenities have to be provided to a considerable extent. The Corporation has three plants for hot-mix asphalt and two stone crushers. It is maintaining about 500 miles of black topped roads, 172 miles metalled roads and 25 miles cement concrete roads. Besides, it has provided about 600 miles of underground pipe sewers and 130 miles of masonry storm water drains in the city.

#### Mid-day meals

The mid-day meals scheme is working smoothly where 355 schools with over 40,000 students get benefit of its working. It is to the credit of the Madras Corporation that more attention is being paid to provide amenities according to the financial scope and budget provisions.

After deep study of financial position of the local bodies in the country one gets an impression that though the municipal bodies are keen to improve the lot of the cities but due to lack of co-ordination by the State Governments and shortage of funds the financial position does not justify in taking up the desired projects and programmes for improving conditions of urban areas and planning the cities for development on modern designs. It is desirable that there should be a programme for exchanging views and practices followed by the different corporations in India and thereby improving the tone, outlook and efficiency of municipal administration by practical study and mutual discussions. In order to dispose of matters expeditiously co-ordination committees should be framed between the representatives working in city at government level and the official working at local self-government department of the State government.

In the All India Mayors Conference held on 24th August 1962 at Bangalore, one issue was raised that the present financial position of various corporations in the country had been on the cross-roads. It is a fact that almost all the corporations have been demanding from the government enough financial aid for the capital projects but the governments at the State level do not give priority to meet with their legitimate demands.

# 3

## *Morphology of Indian Cities*

India has a long tradition of urbanisation and understanding of the present day cities as based upon historical geography. The interpretation of the morphology of Indian cities begins with the associated pattern of used land and the arrangements and characteristics of housing and layout of roads and streets. It has been attempted to get observation from TREATISES written by eminent persons of experience, social ecologists and town planners of different countries. The Indian port cities like Calcutta, Bombay and Madras exhibit remarkable blending of Indian and European urban tradition and culture which continues to flourish. Cities like Chandigarh and Jamshedpur have purely European antecedents. One has to come across extremely congested and haphazard urban developments in India not only in old cities where the density of the population is very high but in several other big industrial and manufacturing centres. Sholapur, Ahmedabad, Kanpur or Hooghly industrial towns are quite irregular, and with built-up structures of indigenous types spreading rapidly with pre-planning and modern designs.

In Calcutta the residential concentration was reported to be 4 to 4.54 lakh persons per square mile during 1941 and so was in Old Delhi during 1951. In Bombay in 1951 about 3 lakh persons (400 per acre) and in Madras 112,000 (175 per acre), Poona 160,000 and Banaras and Aligarh over 90,000 persons lived per square mile.

### **Slum Areas of Big Cities**

On the basis of Census Report 1961 it is estimated that 10 to 60 per cent of the population of large cities live in slum areas.\* In a trial survey carried out by the Statistical Bureau of the Government of West Bengal in 1956 it was estimated that 6,00,000 people lived in the

city of Calcutta alone. The urban slum dwellers reside in *katras*, *lanes*, *chawls*, *basties*, *shatas* and *cheries*. The *katras* are small, dingy, single roomed tenements constructed in rows within a court-yard with a single entrance. The latrines are dry borne with common water taps for the latrine. The people sleep inside the small rooms as many as 6 to 12 in hovel and shacks.

### Beggars Problems

In Indian cities mendicancy has become institutionalised due to great unemployment and lack of organised charity or public relief. In describing the beggar problem in Bombay Shri M.V. Moorthy put the number of beggars at 10,000 some of whom are reported to be able-bodied to the extent of 47 per cent, 12 per cent are lepers and 10 per cent blind and crippled. The total population of beggars in Delhi has been estimated in the Beggar Problem in Metropolitan Delhi (Delhi School of Social Work, 1959) as 3,000 of whom 44.5 per cent are able-bodied. It has been gathered that in Delhi alone 918,000 rupees are spent annually on indiscriminate charity and in Bombay Rs 35.00,000 are given in haphazard charity. There are no institutional facilities to resolve the problem even if they are arrested under some Acts to curb the evil of beggary.

### Problems of Big Cities in India

An important feature of modern life in different parts of the world is the increasing number of big bodies and their day to day expansions into huge metropolitan areas. Around the great cities there grow up a large number of suburban townships. This unplanned and haphazard growth around cities caused lot of difficulties in the arrangements for the administration of the metropolitan areas where the civic amenities are inadequate and unsatisfactory.

With a view to improving conditions of the cities attempts have been made to draw master plans for proper developments and to reorganise the administration of the metropolitan areas.

In the Book "The Great Cities of the World," Professor William Robson of the London School of Economics and Political Science, University of London who was President of the International Political Science Association has stated :\*

"If the typical metropolitan city consists of a continuous built-up area it would be far easier to define and to describe in terms of population and territory but actually no metropolis is

composed of a single compact urban concentration. The metropolitan community is so attenuated, spreading further and further field in ever widening circles like the ripples on a pond, it becomes increasingly bared to define, to measure, to comprehend and to govern."

The great cities of today are so large that it becomes difficult to control like a community. The people are not well acquainted with their neighbours with the result that the sense of common feeling is lost. The capital cities have enormous responsibilities to perform where the diplomatic representatives of foreign countries live and whose comforts and facilities as well as security is the prestige of the nation. There are certain privileges which have to be maintained. The capital cities, particularly the capital of the country have some importance and obligations to discharge. In Delhi the Municipal Corporation has got its own importance on that account. The importance of the city does not depend upon the size of the population alone. There are several other considerations also. The characteristics of a great city have not been defined in terms of its minimum size. This conception will have some impact on the total population of the country in which the city is situated. As for example, Zurich ranks a great city in small country like Switzerland. The size is only one of the characteristics of the city. The economic significance either with regard to manufacturing, industry, commerce, or financial power may be the dominant factor:

The scheme was introduced "to secure orderly development of towns and cities," for which it envisages a two-fold approach :

1. To prepare plans establishing the broad pattern of land use to which urban and regional development should conform. This is necessary both for securing a proper balance between social and economic development and for achieving greater cultural unity and social integration in the life of urban community.
2. To provide adequate resources in terms of finances and personnel for promoting and directing planned urban and regional development.

The metropolitan cities, state capitals, port towns, industrial centres and resource regions will get priority while preparing plans.

### **Metropolitan Cities, State Capitals and Port Towns**

Ahmedabad, Bangalore, Bhopal, Cochin, Delhi (Metropolitan Region), Greater Bombay, Greater Calcutta, Hyderabad, Secunderabad, Jaipur, Kaula, Kanpur, Lucknow, Madras, Patna, Poona, Shillong, Srinagar, Varanasi, Vishakhapatnam and Trivandrum have extraordinary importance.

### **Industrial Centres**

Allahabad, Asansol, Barauni, Bhadravati, Bhillai, Bokaro, Chitranjan, Coimbatore, Debrion, Sone, Dhanbad, Digboi, Durgapur, Gauhati, Gorakhpur, Deoria, Guntur, Jamshedpur, Kothgodum, Mirzapur, Moghul Sarai, Nangal, Panwal, Ranchi, Rishikesh, Hardwar, Rourkela, Sindri Tinsukha, Vijaywada and Warangal are the important industrial centres.

### **Resource Centres**

Bhakra Nangal area, Damodar Valley, Dandakaranya, Rajasthan Canal area and Ribabel area are good places as the regions with resources.

### **State Control Over City Government**

The local self-government comes under the jurisdiction of State governments under the federal system of Government in India. The control over municipal bodies is restricted to the limit as contemplated in the Act passed by the State Legislatures and the Corporation can exercise only such powers as have been specifically conferred whether legislative, judicial or administrative. In various states the control over the local bodies varies to some extent. There is a rare difference between the working of Bombay Corporation and that of Calcutta. There is a real municipal self-government in Bombay but not so in Calcutta. The Bombay Corporation Act gives statutory powers to the Corporation and so does the Delhi Municipal Corporation on the lines of Bombay but the Calcutta Corporation Act authorises the State Government to annul any proceedings of the Corporation which are not in conformity with the law, the rules or the bylaws enforced.

In comparison to some of the large cities and the biggest corporations of the world, the efficient and established working of corporations of our country can still be improved if resources for financial improvements are supplemented. In order to compare the other corporations the cities can gain more as far as standard of sanitation and arrangement for better amenities are concerned. There is a basic drawback in our local bodies working as has been observed during

the 33 years connection of the author with the day-to-day working of the municipal administration of the country.'

There is no denying the fact that the tax payers are indifferent towards the default of the municipal governments. The enlightened and respectable persons having zeal and skill to mould matter considerably generally decline to contest civic election as a sense of despair and lack of confidence in the capacity of the local bodies to tackle the problems that face the municipalities. This may be mainly due to the fact that the officers of the local bodies are dominated by the group based on party politics which result in maladministration, inefficiency and corruption. This attitude of political parties in the civic bodies accentuate the indifference of people towards affairs of the local self-government. It is the law of nature that good leadership and enlightened and active co-operation and participation in the affairs by the people cause civic pride and consciousness for building up sound and responsible local bodies administration. The efficient working and performances of municipal services are responsible for creating suitable conditions for the growth of the trade, industry and the working of the city. An interim report on urban community development was given in November 1963 on the programme of Urban Community Development and its objectives which were as follows :—

1. Creating a sense of social coherence on the neighbourhood basis through corporate civic action and promoting sense of integration.
2. Developing a sense of belonging to the urban community through increased participation of people in community affairs and creating a way of thinking which concentrates first on solving problems with their own initiative, organization, self-help and mutual aid.
3. Bringing about a change in attitudes by creating civic consciousness and by motivating people to improve their conditions of life particularly those affecting 'social and physical environments.
4. Developing local initiative and identifying and training of local workers.
5. Ensuring fuller utilization of technical and welfare service by helping the community to locate what help can be had from the municipality or other organization and to get it and what assistance and guidance can be obtained from government authorities and how to approach them.

The working of Indian local bodies is somewhat different but after the independence there have been dramatic changes in the constitution, function and the working of civic bodies in the country. In order to study the structures and the constitutional set-up in similar local bodies in other countries it is considered advisable to give some comparative statement for examining the good points if any with the idea of getting knowledge from the old and established corporations of big cities like New York, Tokyo, London and other cities.

In India the growing of large cities, a phenomenon of modern industrialization has made the civic services more difficult and has widened a gulf between people and Municipal Administration. Even though the people are being awakened year after year to realise their own responsibilities it goes without saying that the democratic set-up based upon adult franchise has not proved so much effective for the selection of suitable candidates for the civic election.

#### **Metropolitan Government of Toronto (CANADA)**

An outstanding experiment was started in April 1953 by establishing a Metropolitan Council for the city of Toronto and 12 fort growing suburbs in Canada. Under this experiment the Council was made responsible for major services like planning and development, trunk roads, water supply and sewage disposal which have helped in the speedy execution of major development projects which the Toronto and 12 suburban municipalities were not able to tackle individually.

#### **Metropolitan Tokyo**

The city of Tokyo with its 23 wards of zones with the remaining Tokyo Prefecture were merged together into a single Tokyo Metropolitan Government in 1943. There are 42 other units or municipal bodies in the Metropolitan region which are autonomous to deal with their local affairs. The Metropolitan Assembly consists of 120 members directly elected by the municipal bodies and wards divided into 36 constituencies. This system of common prefectoral government deals with the common problems of regional planning.

#### **Local Government in Japan**

The local government was carried on by local representatives of the Central Government. The districts were administered by the Central Government. The local or the commune government was divided into three distinct types—a village, a free town and a city. The administration of the village was carried on by the village chief elected by the inhabitants. The village chief was under the control

of the local government. His duty was to collect taxes, to administer justice, to encourage agriculture or industrial development's.

### Town Local Government

In free industrial and commercial towns inhabitants control administration and judiciary through the Assembly. They even sometimes organise standing armies to safeguard their interest.

### City Local Government

In cities all the powers were retained by the Central Government as there existed no municipalities or corporations. The details of local government structure were set forth in a series of laws of local Autonomy Law of 1947.

The local governments of cities, towns and villages are run by the municipalities. The executive powers of the municipalities rest with the Mayor and the legislative powers with the municipal committee.

#### The Mayor

Any Japanese citizen of 25 years of age can be elected as Mayor or by the people of the locality on the basis of universal adult suffrage and is a whole time paid official. The Mayor can either be removed by a no-confidence motion by the municipal committee or the people can oust the Mayor if one-third of the electorate oppose when the issue is put to vote.

#### Powers of the Mayor

The Mayor is the representative of the Central Government and is responsible to the Governor of his prefecture and is the executive head of his municipality for local matters. He enjoys all the powers like the appointing authority, the budget procedure and the collection of taxes and fees etc.

#### The Municipal Assembly

According to the population the number of members of the municipal assembly varies from 12 to 48. The members of the municipal assembly cannot be the members of the Diet or the prefectoral assembly. The members are elected for 4 years by the Japanese national aged 20 or above, who have been the residents of the locality for at least three consecutive months. The municipal assembly deals with the annual budget and enacts by-laws within the sphere of the authority. It imposes taxes and fees for public services etc.

### **Administration in Tokyo**

The system of administration in Tokyo seems to have been copied mainly from New York. This is an old city and is the capital of Japan. On 1st July 1943 the city and the prefecture of Tokyo were formed as the metropolis of Tokyo consisting of 23 wards, 7 cities and 48 villages with a total population of 77,52,730.

The two chief organs of government are called the Metropolitan Assembly and the Governor. The Assembly consists of 120 members out of whom the Chairman and Vice Chairman are elected for 4 years. The Assembly appoints as many standing committees as there are departmental organisations of the Metropolitan Government. The special committees are appointed by the Assembly for specific and special purposes. The Governor elected by voters for a term of 4 years is the executive head of the metropolis. He is incharge of the administration and is responsible to the people for the working of metropolitan machinery and also performs other functions which are entrusted to him by the law of the land.

To assist the Governors there are two Vice Governors and one Chief Accountant, 4 Deputy Accountants, Managers, and Directors of Bureaus and Offices, chiefs of divisions and sections and over 60,000 officers and other employees. The Governor has got about 80 organs to get work of the metropolis such as youth problem council, public service efficiency deliberative council and the city planning deliberative council. The police force is under the council for which a new police law was enacted on 8th June 1954 and the whole system was organised on provincial basis under the command of a superintendent general with a police strength of about 30,000 in all. The executive government in Tokyo is controlled by a separate popularly elected head like that of New York. Such a municipal government prevails in several other important cities of U.S.A. like Los Angeles and Chicago. In Chicago the Mayor is not only the Chief Executive and head of the municipal administration, but he is also the presiding officer of the council. The working of the executive post of the Governor or the Mayor is the most responsible job and Prof. Robson has described it on page 54 of his popular book "The Great Cities of the World".

How comes it that in these vast metropolitan cities with their millions of inhabitants, their high cultural attainments, their relative economic prosperity, their proved history and traditions, their busy industrial and commercial life, the democratic spirit burns at so low

an ebb that the aspiration to govern itself which has inspired every great city, has not been achieved.

There are several types of executive government departments for which the executive is appointed wholly or partly by the Central Government like Paris, Bombay, Calcutta, Amsterdam, Canberra and Washington etc. which may not be a right step as the working under dual control and policy cannot be considered a democratic step. The working of Tokyo municipal administration is better and more efficient than many of the great municipal corporations of the world.

#### **Local Government of Australia**

According to the latest census taken in June 1966 the population of Australia was 1,15,44,691. The total population of the Capital and other big cities increased considerably. The capital city population in June 1966 according to preliminary census figures was: Sydney 24,44,735, Melbourne 21,08,499, Brisbane 7,19,140, Adelaide 7,26,930, Perth 4,99,414, Hobart 1,19,415, Darwin 20,261 and Canberra 93,197. The birth rate has increased from 17 per thousand to 20 per thousand. The density of population of Australia is 3.9 persons per square mile. The 1961 census reveals that 56.26% of the population lived in capital cities, 25.88% in small urban centres and 17.86% in villages.\* In Australia old age pensions are provided for men of over 65 years of age and women of 60 years. The widows are paid special allowance according to a standard rate and number of dependents.

#### **Local Government Working**

In each of the six Australian states there is a system of local government whose powers and responsibilities for the construction and maintenance of roads, streets and bridges, water supply, drainage and sewage systems, health and sanitary services and other functions are enjoyed by the local bodies as in India. Almost all the local government authorities levy rates as their principal sources of revenue. The semi-government authorities are generally self-sufficient and have practically no impact on State Government budgets.

The Constitution and the functions of the Municipal Bodies for the working of executive and the deliberative wings are not different. It is like the administrative functions to be performed by the Mayor or the elected head just as we find in European countries. The pattern of Britain is in evidence for the working of local government with all the local body units of western countries. In Australia the responsibilities for providing basic community programmes or

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\*Australia Official Hand Book, page 60 under the Heading Pensions.

requirements as water supply, sewage system, electric power, public transport and communications rest with federal government, the State governments and the local government authorities.

### Sydney : The City People

On July 20, 1842, an Act was enacted to declare the town of Sydney to be a city with an area of approximately four square miles, Adelaide, the capital of South Australia, Melbourne, Perth (West Australia in 1951), Hobart (Tasmania 1857) and Brisbane now capital of Queensland in 1858. The members of the council were elected on restricted franchise basis but due to mismanagement the council had to be superseded till 30th June 1930 when under the amended Act of 1929 the city was divided into 5 wards with elected representatives. The suburban area of 180 square miles was merged in the city to raise its area to 240 square miles with approximate population of 16,21,04 in 1952. It is the seat of a University, the High Court and the Supreme Court and headquarter of legal profession. The dominion position of Sydney is enhanced by the centralised character of the administration of the state. There is a small effective local government measured by standards obtaining in England, the United States and other countries. Sydney has become the head office of banks, the insurance companies, the brokers, the wool companies and the shipping lines. The railway has increased its working to cover all the sides for public convenience.

### Paris

Paris is the capital of France. It is situated in the centre of the basin of Seine, linked to the sea by river, to many other centres by canal and is a great link of road and rail communications for the country and for trans-continental traffic. Paris is not only the intellectual and political capital of France but is also the greatest industrial and commercial centre. The French local government is based on two territorial units, the commune and the department. The commune is the perimordial community, whether it is a small village or a big city. In the commune there is an elected municipal council with an elected mayor to enjoy all powers of decision in all matters of local nature. The mayor has to carry the orders of the council for executing the programmes as executive head who will be responsible for ensuring public order, morality and hygiene in the commune. He is authorised to issue police ordinances for regulating the activities of the citizens.

The department is constituted with communes grouped together at a higher level into departments which authorities are responsible for providing common services like highway, education, and public assistance for extending security to the people. The elected body for the departmental council has a decisive voice in all matters of public interest and convenience. The departmental council is a body of 150 members and is divided into 5 electoral areas to elect a number of councillors according to population with proportional representation. The municipal councillors draw their salary along with £40 per month as departmental councillor.

The important function of both the councils is to discuss and vote the budgets of the Ville-de-Paris and the department of Seine. The population of the Ville-de-Paris is 28,69,000 and the department of Seine is over 2 million. In 1960 the budget of Ville-de-Paris was 42 milliard Francs and of the Department of Seine was 33 milliard. The elected authorities are in many respects subject to the authority of the prefect who has to act under instructions of ministers. The Central control over both the Assemblies does not give free hand to the elected representatives. The problems of Paris are those of a great metropolitan region which is the centre of national commerce and industry, and the political capital of the whole of the French Empire.

The system of Government in Paris is prevailing in the way that the executive power vests in the prefect of the Seine and the prefect of police who are administrative agents of the Central Government. They wield enormous powers which relegate the municipal council of Paris to a weak position whose decisions can be turned down by the prefect. Paris cannot be regarded as a self governing city.

#### London County Council

London has attained its own importance. It is the political capital of Britain, the focus of commonwealth and a metropolis of world importance. London is the headquarter of all the government departments and centre of judicial system. The port of London with its 36 square miles of area has the largest system of the world. It is a great manufacturing and commercial city. The population of the region has gone upto 9 millions. In heart of the city one square mile area is the old London city. There was a time when the people used to live and work but now it has become a financial and business centre. The city has been governed by the Corporation of the city of London for the last 1,000 years. It remained throughout

an obstinate relic of mediaeval structure sticking out like a rock in the sea (W.O. Hert, Introduction to the Law of Local Government and Administration, 5th edition, page 242).

The county of London comprises nearly 177 square miles,  $16\frac{1}{2}$  miles in length and  $11\frac{1}{2}$  in width. The Greater London contains about 1/5th of the population of Great Britain and much larger share of its wealth, political leadership, commercial management, administrative power, and cultural activity. The county of London contains over 40,000 factories and workshops. The metropolis presents a 400 square miles built up territory on modern designs.

### **The City Corporation of London**

This Corporation of the city of London is the oldest local authority in Britain. It has a constitution which does not accord with modern democratic principles, but it enjoys great privileges, powers and property as on account of its political influence, symbolic traditions and the splendour of its ceremonial entertainments and hospitality it has been permitted to retain its ancient character.

All the big towns in England and Wales except London are county boroughs. Scotland has its own form of local government which differs with other bodies in several respects. The county boroughs are unified on single tier form of local government. Each administrative county has two tiers and in rural areas three tiers of local authorities. The major authority in an administrative county is the county council, a directly elected body which either provides services requiring large-scale organisation or carries out planning and co-ordination throughout the county. The county boroughs form was deemed suitable for large, wealthy, independent, proud energetic towns with a sound sense of community like Manchester, Birmingham, Leeds, Bristol, Sheffield, or Bradford.

The London County Council is the principal organ of the local government in London which is the largest civic body in Britain. In all there are 150 members of whom 129 are elected councillors and 21 aldermen. A general election is held every 3 years but the aldermen elected by the councillors hold office for 6 years, half of the number retiring after every 3 years. The Council elects a chairman who is the ceremonial head of the council. He may be chosen from inside or outside the Council. The vice-chairman is nominated by the majority party and the deputy chairman is nominated by the opposition party out of the members. The London County Council meets once in a fortnight. The Council is the supreme body which passes resolutions, by-laws i.e.

legislative ordinances, votes the budget and determines administrative policy within the powers conferred by law. There are 15 standing committees of the Council namely : Children, Education, Establishment, Finance, Fire-Brigades, General Purposes, Health, Housing, Parks, Public Control, Restaurants and Catering, Rivers and Drainage, Supplies, Town Planning and Welfare. In addition ad-hoc committees are constituted from time to time. The council has the legal right to appoint co-opted members to all committees except finance and the members co-opted shall be non-officials.

#### Purposes of the Committees

Some committees deal with matters concerning all branches of the council's works. The Establishment Committee, for example, deals with staff questions while the Supplies Committee is responsible for central purchasing of goods and services. Other committees are concerned with particular services provided for the public or with particular functions.

Five of the committees—those dealing with children, housing, welfare, education and health—are not only of aldermen and elected councillors, but also of a minority of co-opted persons; that is, members appointed from outside the Council. The Council has legal powers to appoint co-opted members to all committees except the Finance Committee, provided that at least two thirds of a committee's members are councillors or aldermen. But not much use has been made of the principle of co-option at County Hall. Salaried officers of the London County Council are never appointed to a committee.

Nearly every member of the council serves on two committees and usually on one or more sub-committees. Each committee is constituted so as to reflect the relative strength of the political parties in the Council. The majority party nominates the chairman of each committee, who occupies a position of great importance. He answers for the work of the committee at meetings of the council. He is frequently required to decide matters of detail which will later come before the committee. He can control in large measure the agenda of its meeting, though in practice it is usually left in the hands of the clerk of the council, who provides each committee with a committee clerk. The efficiency and harmony of a committee's proceedings will depend to a considerable extent on the chairman's tact and ability.

The London County Council is the local education authority for imparting primary, secondary and technical education. The

University of London is entirely an independent body but gets grant from the Council.

In order to improve the sanitary conditions of any city the under-ground drainage and sewage disposal system has to be improved. With this view under consideration the London County Council paid special attention to lay sewer lines and to arrange for sewage connections with the lines. The main service carried by the London County Council has covered the area for laying sewer lines of 180 square miles and many local bodies outside the limit of the Council have sought advice from the council for improving their working position. The Council carried out comprehensive schemes for facing the problem of housing shortage in and around the council limits. The largest housing state in the world was constructed by the Council several miles outside its boundary at Becontree and Dagenham in Essex which covers an area of 2,775 acres or more than four square miles of land on which 25,000 dwellings have been provided to accommodate 115,000 persons. In a way the Council covers all sphere of activities for public welfare in the region. There are several minor authorities within the Council as the County Council is the major organ of London. The lower tier is composed of 28 metropolitan borough councils and each of them is a separately elected council having membership varying from 35 to 70 and possessing a mayor, alderman, and councillors elected for three years.

In 1889 the London County Council was first set up which transformed the working and atmosphere of London government and attracted to its ranks many of the most able and vigorous reformers and politicians of the time of high standing and calibre of Sydney, Webb, Will Crooks, and Ramsay Mac-Donald who played great part in moulding the destiny of London. The metropolitan boroughs magnified importance of the minor authorities. Each borough council had a mayor, and alderman with robes of office, gilt chains, a mace and all the other insignia likely to enhance the feeling of their separate civic consciousness.

The County of London is surrounded with "Home Counties" comprising Middlesex, Essex, Kent, Surrey, Buckinghamshire, Berkshire, etc. These small bodies manage their affairs according to the constitution framed for the borough councils.

The water supply system of London was placed in the hands of a number of commercial companies, but later on the affairs were handed over to a metropolitan water board under the London

Water Act 1902 which consists of an indirectly elected body composed of 66 representatives chosen (in varying proportions) by the London County Council, the County Council of Home Countries, the old city corporations, the metropolitan borough councils, and other local authorities in outer London.

The above is the position of transport, electricity and gas supplied to public on commercial basis.

### New York

Mr. W.A. Robson depicted an old picture of New York in his book *Great Cities of the World*, in the following words :

"It is no exaggeration by now to say that New York city exists, in a state of chronic bankruptcy. It is not that municipal bills are not paid—although there have been crisis when obligations were far greater than the resources and further borrowing seemed impossible—but that, facing the fiscal problem, budget makers have had to reduce expenditure until the municipal services reached an almost impossibly low level. Streets have not been properly cleaned and repaired for decades; the school system is miserably maintained ; water is chronically short ; transportation on the municipal owned lines is such that daily travel is an ordeal and similar short-comings affect everyone of the three hundred odd services the city pretends to perform for its citizens.

"And then, of course, there are the slums. No great city in the world, perhaps, has had more incredibly sub-standard housing than New York. The lower east side, East Harlem, West Brooklyn and Queens consisted for decades of filthy and rickety 'railroad' or 'dump-bell' cold-water flats, without the least pretension to civilised provision for sanitation, in which recently arrived immigrants swarmed like animals, a disgrace to America and a torment to social workers. The proliferation of these slums seemed endless and none of the ordinary and minor measures of reform were able to change the pattern. Whole generations grew up knowing no other surroundings, becoming accommodative to them, and finally accepting the slum way of life. This acceptance furnished a kind of inertia and made any corrective effort almost impossible to generate and carry through. Such conditions also create vested interests whose defences are made easy by ignorance alternatives. Apathy

among those whose lives are stunned, circumscribed by such surroundings, is one of the chief preventives of reform. And, indeed, reform was delayed in New York until the spreading cause of dilapidation seemed almost beyond control. It was not until the national government revolutionised by the depression which began in 1929, shook itself and began that movement of regeneration now designated as the New Deal that impulses of change began to reach into the polluting recesses of the slums. Rebuilding is now under way, but the ordeal of the degenerate years has left its mark on generations of the New Yorkers.

"There began in 1933, gradually gathering momentum, the series of programmes for low cost housing and public works which has by now begun to change the whole New York scene. It still has far to go ; but it is obviously well under way. There are not only enormous new apartment projects in the heart of the old slums; there are also thousands of new parks and playgrounds, highways, schools and all the social amenities necessary to the cultural complex of a great city. But there is still the unsolved fiscal problem; and all the new facilities are badly maintained and many are falling into pre-mature disrepair because of failure to solve the fiscal dilemma of a metropolis which has not attained full organic consciousness, and even if it had, does not control elements of its organic life."

In 1933 series of programmes for low housing and public works gradually gathered momentum and changed the whole New York outlook. Under the charter of 1936 which was given effect on 1st January 1938 some duties were defined of the various government agencies. The first authority was that of the Mayor who was defined as the Chief Executive Officer who had powers to appoint the heads of departments. The municipal commissioners were nominated by the government. The duties of the Mayor were prescribed as follows :—

- (1) To communicate to the council the yearly statement for the welfare and betterment of the city.
- (2) To recommend all measures to the council for the welfare and betterment of the city.
- (3) To supervise the work of all agencies and officers in order to conduct better administration and efficient working.

- (4) To see that all the provisions of law are properly implemented.
- (5) To perform all duties entrusted to him under the law.

The Planning Commission was constituted consisting of seven members with a term of eight years. The Chairman designated by the mayor was the head of the city planning. The commission prepared the master plan and proposed some measures to improve financial position. The board of estimates was created for legislative purpose of which the President of the Council, acted as chairman who was taken as acting mayor in his absence. The board being of executive heads, its decisions used to be implemented for executive action. The complete decentralisation of city administration in the board of estimates and also the mayor solved several problems for betterment. The deputy mayor was delegated with numerous supervisory duties who sits in the board of estimates. The fiscal affairs of the city were supervised by the comptroller who was an elected hand. In New York city a department of investigation was created with power to require information about the working of various departments as a helping hand for the mayor. Now that the Planning Commissioner was responsible for improving the city affairs of New York it started the work of planning the city and pressed for the regional planning conception. New York has grown and the growth has been in the direction of great original basic study.

The New York region lies within more than one state. The increase in population created special problems. The following counties comprising New York city required immediate attention :—

New York County (Manhattan)  
 Kings County (Brooklyn)  
 Richmond (Staten Island)  
 Queens County has itself been an escape area.

The Nearby Counties in New Jersey requiring the same attention due to increase in population are as follows :—

Bergen County  
 Burlington County  
 Hudson County  
 Middlesex County  
 Monmouth County  
 Morris County and Ocean County

The Mayor of New York has to work with the Board of Estimates, which consists of the Mayor, the Comptroller and the President of the city council who are usually elected with the mayor on a popular vote and presidents of five boroughs. The Mayor, the Comptroller and the President of the Council have 3 votes each, the Presidents of Manhattan and Brooklyn 2 votes each and the Presidents of Queens, the Bronx and Richmond one each. In this system of government in New York, the city council is playing a significant role. The council enjoys legislative powers but legislation must also be passed by the Board of Estimates and the Mayor. There are apparently two houses but in actual practice the functions of the Council tend to be chiefly that of imposing a veto.

There are in all 32 executive departments to carry on enormous duties. The people of New York now-a-days enjoy more amenities than before. The art of collections is rich, the educational institutions are of higher learning led by Columbia and New York universities. Most of the books and magazines in America are published in New York.

### Moscow

Moscow is not only the capital of U.S.S.R. but is the foremost industrial, political and cultural centre of the Soviet Union. Besides it is the headquarters of the Soviet Academy of Sciences, the most important union of Soviet writers. Before the revolution of 1917, Moscow was the centre of light industry and textiles, leather and food industry but the character of the city was transformed within a few years. It became a great engineering centre, producing machine tools, a wide variety of instruments, motor cars and lorries, electrical, mining and oil industrial equipment and important metallurgical and chemical plants were erected on a large scale.

In 1935 a general plan was adopted for reconstruction of the city on modern lines.

### The System of the Government in Moscow

The Government of Moscow is organised on the basis of two-tier system. The Moscow City Soviet exercises authority throughout the city and it is divided into 25 districts. The Moscow City Soviet consists of 1,400 deputies elected on adult franchise basis by the inhabitants who elect administrative organ of 60 deputies as its executive committee. The district units with 200 deputies elect an executive committee of a dozen members. The relations between

higher and lower soviets are governed under Article 101 of the Union Constitution as follows :

"The executive organ of the Soviet of working people's deputies are directly accountable both to the soviets of working people's deputies which elected them and to executive organ of superior soviet of working people's deputies."\*

The Union Government finances the reconstruction of some principal streets of the city.

There are six republic ministries which are directly concerned with the city administration viz. Public Health, Education, Local Industry, Internal Trade, Finance and Commercial Economy. The communal economy deals with a wide range of functions including housing, town planning, public utilities, drainage, parks and open spaces etc.

**Municipal Finances :** The system of raising revenue for the local bodies differs from anything known elsewhere and it is difficult to make comparison of the taxation system with other similar bodies. The budget includes the income of the 60% share in the profit of the industry, the remaining income is derived from income tax which is entirely at the disposal of the local soviet. The collection of all revenue coming under the republic and city budget is the responsibility of the local soviet, closest to the citizens to exercise great initiative for collection. The health and education consume about 49% of the total budget.

The new development programme has been actively taken in hand and the total area of the city of Moscow has been increased from 70,000 acres to 1,50,000 acres. The road widening programme, the water supply system, the sewage disposal work are the functions of the corporate body.

### Zurich City Working

The city of Zurich is not a big or unwieldy city. It has a population of about 4 lakhs which is 1/12th of the population of the whole of Switzerland. This country can be considered a home for democracy. All the chief municipal officials are elected for the term of 4 years by the electorates. The communal city council has 125 members and the executive committee is composed of 9 members including the Mayor. In the same way, the school authorities, the regional school boards and the central school boards are elected bodies. Prof. W. Robson says :

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\*The Constitution of USSR.

“All the chief municipal officials are elected for a four year term by the electorate. That applies to the communal council consisting of 125 members, as well as to the executive committee (Stadrat), composed of nine members headed by the mayor. In the same way the school authorities, the five regional school boards and the central school board with at present 43 members, as well as the teachers in the elementary schools are elected directly by the people themselves; whereas the chief officials for the poor law authorities and the board as of guardians are appointed by the communal council. The election of the communal council takes place according to an electoral system which assures all parties proportional representation. Other authorities are elected on a majority system ; but in practice care is taken to see that the parties are represented in proportion to their strength.”\*

The members of the executive committee excluding the mayor are given individual powers in specific field of working as head of the departments with committees of experts attached to all the departments for advice. The mayor presides over the meeting of the executive committee. In Zurich the democracy has been working in such a detail that all important questions are referred to electorates through a system of referendum, even the new capital outlay of more than 1 million Francs and annual recurring expenditure of more than 50 thousand Francs require sanction of electorates.

### **The Problems of Urban Population**

The Decentralization II commission appointed by the India Government submitted its recommendations in 1909 but they were kept in abeyance as not much attention was given on implementation of the restricted powers suggested for local bodies in the country. It was in 1919 that the Montague Chelmsford Reforms gave a large measure of autonomy to the provincial legislature. Under these liberal reforms the responsibility for local government was taken from district officers and placed under the department controlled by the Minister for Local Self-Government. The district officers who used to work as chairmen of Local Bodies ceased to function as such. The franchise was also widened and municipal bodies were empowered to raise local taxes.

\*Great Cities of the World, Prof. W. Robson, pp. 635-36.

The local bodies are vital for securing the participation of the people in the tasks of local civic problems and nation building. The Indian Constitution not only lays emphasis on the urban development but Article 40 lays down for a viable and virile system of local Government in rural areas, in the following words .—

“State shall take steps to organise village panchayats and to endow them to function as units of Self Government.”

As a result of the report of the study team for community development and national extension service 1957 the institutions have been established for providing panchayats in several states.

Under the re-organised stature for better and powerful urban local bodies legislation was made for adult franchise on democratic lines. It has been officially admitted that the first two Five-Year Plans have failed to give due attention to improve the lot of urban local bodies.

In the Third Five-Year Plan it was admitted that urbanisation was an important aspect of the process of social development of local bodies. The Municipal Administration, as one finds today, has neither the prospective nor the resources to fulfil its role in the changing society of today when towns have become the centres of social and intellectual working of economic life and civic activities. This is the crying need of the time to see that all the preliminary requirements be given top priority to meet the public aspirations.

It is calculated on the basis of the census report 1951 that the population in the country is increasing every second which has created an acute problem for the Government and the people. In the Annual Budget of the Central Government a huge sum is allocated to extenuate the growth of population in order to solve complications. On the basis of previous census reports and from the data available from official sources it has become obvious that the slum population in large Indian cities ranges from 10% to 60% of the total population.

A conservative estimate places the slum dwellings which are unfit for occupation by human being to be 1,50,00,000 according to report of the Advisory Committee on Slum Clearance, Government of India (July 18, 1958, p 5). In the simple survey by the State Statistical Bureau of West Bengal Government carried out in 1956 it was mentioned that nearly 6,00,000 people lived in slums in the city of Calcutta alone. The people live in Katras, Bustees and lanes in hundreds and thousands in density of 1,000 to 1,500 persons on one

acre. The katras and shacks are damp with one small room tenements with large families. In some of the slum bustees, filtered water supply is not provided, no electricity, and latrines are common in most dirty and unhygienic conditions. Some of the unauthorised colonies are thick clusters with small and dilapidated mud huts with roads made of wood, gunny sacks, metal or other waste materials. As many as 8 to 15 persons live in one damp and dingy room. The sanitation, cultural and recreational activities are completely lacking. The slum dwellers lack in civic and community consciousness and they do not cooperate with the civic bodies. They often blame for their plight and show indifferent attitude during civic body elections and do not realise the importance of their right in exercising franchise properly. They feel dependent upon local authorities and they never co-operate with the health department for improving the environmental conditions. The water taps are neglected even if the water is continuously flowing due to removal of taps. The dustbins are seldom cleaned, manhole covers are stolen, the surface drains are used for easing out by the children. The streets and public places are constantly unswept and unattended for days together.

The pilot project instituted at Delhi was made possible with a grant from the Ford Foundation to Delhi Municipal Corporation through the Central Health Ministry. The grant given by the Ford Foundation started in 1958 was Rs 25,000 with a subsequent grant of Rs. 1,55,539 for this experiment up to March 1962. The Municipal Corporation of Delhi is also contributing the increasing share of the cost. The main and the only object of Delhi Pilot Project has been the growth of health, harmonious and satisfying community life and to encourage the development of citizens' participation in programmes of civic improvements.

The National Seminar on Urban Community Development held at Hyderabad in December 24-30, 1959 defined the objectives of this work as under :\*—

- (a) To create community consciousness and to encourage the people to take active part for improving the standard of living on their own initiative and by providing technical and other services in order to encourage self-help and self-reliance for more effective work.
- (b) Process of development of community consciousness :—
- (i) Utilization of existing common institutions to meet the growing need of the community.

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\*Proceedings of the National Seminar on Urban Community Development, 1959.

- (ii) Utilization of services existing or creation of new ones for the community.
- (iii) The creation of common facilities.
- (iv) Recognition of changing needs of the community and to make common efforts to meet them

The ultimate objectives are adopted for implementation on the following points :

1. The social integration of the communities on a local neighbourhood basis through participation in self-help and mutual aid programme.
2. Development of a sense of civic pride by stimulating local interest in civic betterment campaigns.
3. Preparation of the ground for democratic decentralization for municipal services through the organization of Peoples Development Councils (*Vikas Mandals*) fostering local leadership.
4. Creation of necessary climate for undertaking programmes of economic betterment based on maximum use of community resource and local initiative.

Under this project colonies were built for rehabilitating squatters from shack bustees. The slum improvement schemes were formulated for providing shelter to homeless people and also to redevelop the congested area according to Master Plan.

#### **Big Indian Cities : Problems for Future Growth**

The chief reason for the present inefficiency of the urban local bodies in the country was that the present system of working has not drawn leadership of a high order with the result that the municipal councils were drawn or dragged into petty factions and parochial and personal interest. Even the municipal councillors who are the elected representatives of the people are not doing justice as demanded by the electors due to the fact that there is general apathy among the members towards the intrinsic problems of the city. The only course left for improving conditions of urban areas is to see that the civic bodies are made effective instrument of democracy. It was therefore imperative that the enlightened and educated section of the people is made responsible to manage the civic affairs of the municipal corporation. In order to create interest in intelligentsia some serious consideration has to be given to change the constitutional structure or to put some condition for the selection of the candidates either on the basis of educational qualifications or some basic experience

for the job, the person is about to handle for the welfare of the city and the citizens. The democratic institutions, that have been implanted according to the conditions prevailing in the country should function to benefit the ordinary citizen in more than one way. There is no way out if India has to organize to catch up with the developed nations of the world. The American way of running election of municipal bodies on non-partisan lines is producing harmonious working in the sphere of urban local bodies. As has been pointed out in the previous chapter the participation of the political parties in the municipal level to deal with civic affairs has always been the struggle of power politics in the forefront in the working of municipal corporations. The day to day happening in the municipal field in the present circumstances is the clear proof that politics into civic matters adulterates the zeal of the members with party consideration on petty affairs concerning improvement in the local conditions. Moreover the participation of the political organisations lead to the pressure of vested interests in the municipal affairs which involve the municipal employees as well. The outstanding persons of the city should take active interest in civic affairs as they usually take pride in being actively associated with the civic bodies. This was the position of Bombay Municipal Corporation when men of high calibre and wide outlook were at the helm of affairs in the civic body. The present local bodies have failed to attract the best men of public spirit with the result that they have neither the capacity nor enthusiasm to shoulder the responsibility. In some of the big corporations the size of the municipal councils was large. The large council meetings to discuss petty items on agenda in weekly or fortnightly become arena of political squables. In this connection much can be gained by the impressions of the city government of Moscow and other local bodies in Russia. In Moscow municipal body there is a representation of member to every 6,000 of the population. The number of members there comes to over 1,000, but they meet only twice a year to debate general affairs and also to indicate abroad programmes and policies. The real day to day work of the whole city is carried by a small council as a corporate body and functions as the executive authority for the administration of the affairs in a business like manner.

There is another vital point to take notice is that of the financial sources of local bodies in Russia. The income for Russian local bodies is derived not so much from taxes which in any case occupy a very subsidiary place, but most of the income come from municipal

enterprises such as cinemas, hotels, housing estates markets and shopping centres, electricity, water supply and transport services.

In India the management of municipal affairs is overshadowed by group politics and party lines. The items are not considered on merits and often the members do not feel interested in going through the items on Agenda in detail and therefore are not well equipped either mentally or intellectually to give a serious consideration to the problems before them. The main guiding factors of the proceedings and discussions at the meetings of the municipal bodies are power politics and political group pressures.

### **Haphazard Springing of Industries**

In the periphery of the urban limits industries are springing up without any system or plan resulting in slum belts coming out daily which create chaotic development. In order to put a stop to the new headache in the event of the incorporation of these areas within the limits of the corporations at a future date a larger metropolitan planning is needed with sufficient foresight about population projections. So much haphazard development has taken place in and around the municipal limits against the provision of Master Plans even by ignoring the land use. If the original Master Plan and the proper survey of the existing position have to be compared it would come to light that the Master Plan has been changed beyond recognition. Almost all the open spaces have been filled up with slums.

### **Rural Areas' Problem**

The inclusion of rural areas within the municipal limits is the result of growing demands for extending proper services to the people without any appropriate income. The municipal corporation should consider suitable planning and control of developments in the surrounding areas which are the creation of circumstances. It is therefore in the fitness of things to have a machinery for the planning of the metropolitan region. The State Government must contribute a recurring grant for the proper development and urbanisation of the villages merged in the corporation areas. The urban tax payers should not be made responsible for providing financial help out of the municipal revenue.

There are several other problems related to the big municipal corporations of the country. Some of the other problems confronting the municipal bodies have already been discussed and some are going to be taken up further.

In order to set up the working the following departments have to perform administrative and other functions within the frame work of the constitution of the civic bodies. There should be provision in the municipal law for setting up the following functional committees :—

- (1) Medical Relief and Public Health Committee.
- (2) Education Committee to impart Primary Education.
- (3) Planning and Development Committee.
- (4) Works Committee (Housing, land Development etc.)  
The small civic bodies (less than 1,00,000 population) to set up the committees under State Government directions.
- (5) Electricity Committee for distribution purposes.
- (6) Transport Committee.
- (7) Water Supply and Sewage Disposal Committee.

Besides there may be some other departments for providing recreational parks, and similar other public amenities like poor houses, cremation grounds, disposal of dead animals etc.

In order to get efficient work from all the functional committees the Local Self Government Ministers' Conference discussed the position in 1954 for improving the working of local bodies and unanimously recommended as follows :—

“For improving standard of administration in local bodies there is a very good case for separating as far as possible their purely executive functions from the deliberative or policy making functions. The latter category of functions should appropriately be the sphere of the elected members or the wing of the local bodies. Once policies and decisions have been adopted, their implementation and execution should be left to principal executive officer who must be made primarily and directly responsible for this part of the work. As a necessary corollary to this principle the more important executive posts in the local bodies should be centralised on a state wide basis and should be made transferable.

The above view was further supported by the Central Council of Local Self Government and also in the report of the Punjab Local Government (Urban) Enquiry Committee.

In all the municipal bodies having the status of municipal corporation the executive working lies with the Commissioner, who is responsible for implementing the works sanctioned by the corporations. In smaller local bodies the executive powers are vested in the

President or the Chairman as the case may be under the Municipal Acts.

### **WORKING OF CANTONMENT AREAS**

In India the cantonments are the permanent military stations with some areas housing civilian population brought in the areas for serving the various needs of military personnels.

**Position of Cantonments :** Another problem relates to cantonments which are set up under the cantonments Act of 1924 and are directly under the control of the Union Defence Ministry. Proprietary rights in all the cantonment lands are vested in the Ministry and they are managed by the Directorate of Lands and cantonments. According to the 1961 Census, there are 56 cantonments of various sizes and with the exception of the hill station cantonments, they form a town group with one adjoining the municipal bodies. The question of the future of cantonments came up before the First Conference of Local Self Government Ministers in 1948 which recommended that :

“the Central Government should, in consultation with the Provincial Governments concerned, appoint a Committee to examine the question of delimiting the areas of cantonments and the desirability of amending the Cantonments Act.”

In 1949, the Central Committee on Cantonments was appointed to examine the points raised in the above resolution.\*

### **THE URBAN MASTER PLANS AND DEVELOPMENT AUTHORITY**

Since 1947, the important stimuli for the movement of population has been the unfortunate partition of the country. The displaced persons about 7 millions who came to India across the border are responsible for this movement which resulted in great change in the population structure of some towns, districts and states. Some of the other factors with which migration rates were found to be associated are (1) biggest towns in district, (2) unemployment rate (3) proportion of population in non-agricultural occupation. It appears that the propensity to migrate to urban areas is higher among literate and educated people than among illiterates. Since the level of the education has been raised, the tendency to travel greater

\* Report of the Rural Urban Relationship Committee, Vol. I, pp. 33-34, 1966.

distances to seek employment has increased. Due to rush of migrants to cities several difficulties have arisen for the local bodies. The problems of urban areas are so appealing that they need guidance and direction from national level even though the urban bodies give due attention at the local level. The question of town planning, housing, public health, education and social welfare are the national Government interests. The Indian cities are growing in area and population. The economic activities of Indian cities are increasing. There are manipulations in individual cities by the construction of factories and increased commercial activities by the expansion of Government functions in the national and State Capitals.

### RURAL MIGRANT TO URBAN AREAS

There is no charm for the rural population to leave their hearth and home and voluntarily change the rural benefits provided by the nature and traditions. It is quite possible that the rural migrants to large cities of India are forced to leave ancestral places to bear hardship and undergo suffering to a very great extent. As the population pressure grows it is neither the villagers nor the urban people who fear the misery of displacement to altogether new conditions and environments but the persons who migrate to cities neither get living accommodation nor find the desired economic conditions in the urban areas.

### URBAN COMMUNITY DEVELOPMENT SCHEME

The purpose of the scheme is to bring out a change in the attitude of the urban population through self-help basis motivating people for concerted efforts to improve the living conditions through local initiative and community efforts. In order to arrange for physical improvements and civic amenities, health and sanitation, recreation centres, cultural activities and economic programmes are needed just as consumers co-operative societies. The pilot project schemes have been started in urban areas in the country keeping in view the desirability and urgencies in newly established industrial towns and slum areas. The community development scheme may be carried out by the local Government and the local body for the above purpose. It may be entrusted for execution of the programme to any public institution of good standing or any voluntary organisation of reputation.

In public interest the Government of India bears all the expenditure in union territories. In other States the Government of India

meets half of the expenditure and the other half to be met by the state Government and the local body concerned.

### MASTER PLAN FOR BIG CITIES AND REGIONS

In order to secure proper balance between social and economic development for social integration and cultural unity in the living of urban community, a scheme was introduced by the Government to secure regular development of city or metropolitan areas and also to provide adequate financial sources for the planned urban and regional development. The scheme covers all urban areas for the development and industrial advancement for the welfare of the people. There are some industrial centres, metropolitan cities, state capitals etc. where the conditions require immediate attention.

#### A Single Body is Required for Desired Functions

It will be in the interest of expediting the programme of urban development if one suitable planning and development authority is created for the area wise functions. Such authorities must enjoy enough powers by statutory provisions to enable them to perform the functions efficiently and effectively.

These authorities should co-operate with the activities of different other agencies and departments involved in the implementation of the plan and programme of development in the fields of transport and communications, public health, education, power projects and industrial location etc. The authorities should take help from the technical staff of high calibre and also arrange to mobilise adequate sources for financing the schemes.

#### Urban Development

The problems of urban areas as thrown out by the socio-economic surveys of some of the important cities can be tackled by adopting the programme for slum clearance and development of the congested areas.

The U.S.A., England, USSR and other advanced countries of the world have learnt with painful experience that there is no magic or an easy formula for replacing slums.

In Lagos, the capital of Nigeria, soon after the country gained its independence in 1960, the Government decided to eliminate the slums in the city in order to improve image of the nation in the eyes of the world. On the advice of its technical consultants a 70 acre slum area was demolished for redevelopment. By the time the

Nigerian Government cleared and rebuilt one third of the land it had run out of funds and the work had to be stopped. The city of Lagos was left without improvements and the places are still drenched with sewage. It is estimated that 85 per cent of the school children are suffering from hook worms or round worms and more than 10% of the deaths in the city are attributed to dysentery, diarrhoea or gastro-enteritis.

The slum clearance is most essential. This is a popular policy for priority programmes in several countries. In order to take up the work of slum improvements the minimum basic necessities be provided with good sanitary facilities and left them to the residents to be built with local material at low costs, leaving the ambitious programmes for improvements. Such less costly shelters may be a good answer to meet the immediate needs of the rural population migrating to the cities.

In urban population of bigger cities and metropolitan areas there are the Municipal Corporation or the main Municipality, several small municipal authorities and other public bodies. Each of these authorities is responsible for urban development. These authorities with certain limitations, play the role of plan preparing and implementing agency. In some cities and towns there are the Improvement Trusts dealing with development of land and other improvements. In others, there are the Housing Boards engaged in the task of providing dwellings and, related facilities. In the address delivered at the final session of the Seminar on Urbanisation in India at Berkeley in California on July 1, 1960, Shri Ashok Mehta remarked as follows :—

“Tremendous forces have been unleashed in India for relatively rapid rate of population growth and the rapid rate of urbanisation. The population in India can reach by the year 2000 the figures of a billion with one third the population in urban areas. These population changes could result in the migration of 85 million people from rural to urban areas which would pose a challenge unmatched before. The alternative to urbanisation under conditions of rising population may be even more terrifying. All that is possible is to devise counter-vailing policies.”

In the book *Indian Urban Future* the selected studies from the international conference edited by Ray Turner, P.R. Nayak former being an authority on municipal problems and urbanisation gave his

conclusions on page 379 and said that a planned approach and an appropriate machinery can resolve the complex and grave civic problems of urban cities in India as in his opinion finance is not beyond the range of practical politics. He says that the objective of lessening the pressure on already strained urban areas must be promoted through a dispersal of Industrial activity and an intensified programme of rural civic development.

Bombay has grown to 75 lakhs population in 10 years. Delhi's population rose from 2.5. million to 5.5 millions in two decades. There are several instances in European cities of the stabilisation of city size and population despite intensive industrialisation.

The development plans as already contemplated envisage the definite view that if the tasks ahead can be tackled with determination, distinct improvements can be achieved and the problems of the cities, can be set well on the way to a lasting solution.

The remedy to solve the urban problems is difficult for the pace of urbanisation and paucity of financial resources. The basic issues for all the city Government in the matter of finances are common.

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## 4

### *Glimpses of Local Bodies*

Growth of population has occurred in every part of the world. In 1950, 29.5 per cent of the population of U.S.A. lived in 14 metropolitan districts each containing over a million of inhabitants. According to United States Census of Population, 1950 vol. 1 page 33, 71½ million people lived in big cities with a population ranging from 2,50,000 to 5,00,000 of people and 168 standard metropolitan areas were enumerated out of which only 42 contained population of more than 4,00,000 persons while 77 cities contained more than 2,00,000 of population. In India there are 25 municipal corporations and in Kashmir, Orissa, Punjab, Haryana and Rajasthan there are no municipal corporations. The Metropolitan cities of Bombay, Calcutta, Delhi and Madras have municipal corporations. The Calcutta metropolitan district covers an area of over 400 square miles while Delhi Metropolitan is much more in area to cover 558 square miles. In Uttar Pradesh there are 5 corporations in Kanpur, Allahabad, Agra, Varanasi and Lucknow. There is a demand that all State capitals be converted into municipal corporations as the institution of corporation carries a larger degree of prestige, pride, power and autonomy. The Government of India is considering the recommendations of the Rural Urban Relationship Committee that the status of the corporation should be related to the capacity of the town to undertake the higher responsibilities and be conferred only on cities which have a population of not less than 5 lakhs and an annual income of rupees one crore or more. In the whole world no serious attempts have been made by the central or state governments to provide the metropolitan community with a system of local government designed to satisfy the existing and future needs with regard to organisation, services, finance co-ordination, planning. The big cities are struggling hard to solve the problems of higher densities and old, dilapidated and out of date structures.

In order to gradually develop the areas around the big cities separate town planning measures providing the required amenities and arranging for planned development on modern design some of the states have resorted to legislation for the purpose of controlling land use which has proved to be a negative approach without any regular source and machinery to utilise the law for public utility purposes. The Calcutta Metropolitan Area (Use and Development of Land) Control Act 1965 also belongs to the category of Delhi Development Act 1957 and restrictive acts can prove successful only when there is a financial backing to implement.

The trend towards increasing concentration of population in cities with a population of one lakh and above has continued as will appear from the following table\*

| <i>Size and class</i>    | <i>Population of towns<br/>in millions</i> |             | <i>Percentage of total<br/>Population in each class</i> |             |
|--------------------------|--|-------------|---|-------------|
|                          | <i>1931</i>                                | <i>1961</i> | <i>1931</i>   | <i>1961</i> |
| Class I 100000 or over   | 8.17                                       | 35.12       | 27.37   | 48.36       |
| Class II 50000 to 100000 | 4.15                                       | 9.53        | 11.95   | 11.89       |
| Class III 20000 to 50000 | 6.51                                       | 15.5        | 18.76   | 18.68       |
| Class IV 10000 to 20000  | 6.57                                       | 11.30       | 18.97   | 13.04       |
| Class V 5000 to 10000    | 6.02                                       | 6.34        | 17.32   | 7.23        |
| Class VI under 5000      | 1.94                                       | 0.89        | 5.63  | 0.95        |

According to the Demographic Year Book of United Nations the estimated total world population comes to 2907 millions for the year 1959 which can be safely assumed as 3000 millions in 1961 and an inhabited land area of 135.6 million square kilometers. India accounted for 2.4 per cent of the land and 14.6 per cent of the world population holding second position in the world. The total population of India in 1961 comes to 439.235 millions.

We have to compare the increase in the population gradually in big cities and the metropolitan with indication of comparatively decrease in the population of rural areas. It may be interesting to mention the rate of growth of population from 1901 onwards :—

\* Report of the Census Commission of India, 1961, pp. 106-107.

| <i>Year</i> | <i>Population</i> | <i>Per cent Variation</i> |
|-------------|-------------------|---------------------------|
| 1901        | 23,62,81,245      |                           |
| 1911        | 25,21,22,410      | 5.73                      |
| 1921        | 25,13,52,261      | -0.31                     |
| 1931        | 27,90,14,598      | 11.01                     |
| 1941        | 31,87,01,012      | 14.22                     |
| 1951        | 36,11,29,622      | 13.31                     |
| 1961        | 43,92,35,082      | 21.50                     |

The magnitude of increase in the last decade is evident when the country has lost more than 3,65,000 square miles of territory due to partition of the country in 1947. The following table shows the percentage increase in urban total population\*.

| <i>States</i>  | <i>Percentage of Urban Total Population</i> |             |             |
|----------------|---|-------------|-------------|
|                | <i>1961</i>                                 | <i>1951</i> | <i>1931</i> |
| Delhi          | 88.7  | 82.04       | 70.0        |
| Maharashtra    | 28.2  | 26.2        | 18.8        |
| Madras         | 26.7  | 23.7        | 17.7        |
| Gujrat         | 25.7  | 24.4        | 20.0        |
| West Bengal    | 24.5  | 23.9        | 15.1        |
| Mysore         | 22.3  | 20.7        | 15.1        |
| Punjab         | 20.1  | 18.6        | 12.9        |
| Andhra Pradesh | 17.4  | 18.8        | 10.9        |
| Rajasthan      | 16.3  | 14.4        | 15.3        |
| Kerala         | 15.1  | 11.7        | 9.4         |
| Madhya Pradesh | 14.8  | 12.9        | 8.1         |
| Uttar Pradesh  | 12.8  | 11.8        | 10.9        |
| Bihar          | 8.4   | 6.9         | 4.4         |
| Assam          | 7.7   | 4.6         | 3.0         |
| Orissa         | 6.3   | 4.0         | 2.5         |
| All India      | 17.97                                       | 17.24       | 14.03       |

The above figures indicate that the proportion of population of class I towns to the total urban population had increased from 27.37 per cent in 1931 to 48.36 per cent in 1961. Out of the 107 class I cities 13 cities exceed population of five lakhs. There are 330 districts in all the Indian states but out of these, 60 districts did not have even one town of the population of 20,000 or more. In 101 districts only one town has a population of 2,000 or more. In 183 districts out of 300 the districts headquarters have a population of less than 5,000. The States of Maharashtra, Gujrat, Madras, West Bengal, Mysore and

\* Reproduced from Rural Urban Relationship Committee Report vol. I pp. 47

Delhi have a very high tempo of urbanisation. The comparative position of urban population in various States is given in the table below :\*

### Statewise Distribution of Urban Population During 1951-61

| <i>State</i>                          | 1951  | 1961   |
|---------------------------------------|-------|--------|
| Andhra Pradesh                        | 54.20 | 62.75  |
| Assam                                 | 4.10  | 9.13   |
| Bihar                                 | 26.26 | 39.14  |
| Gujrat                                | 44.28 | 53.17  |
| Kerala                                | 18.26 | 25.54  |
| Madhya Pradesh                        | 21.33 | 46.27  |
| Madras                                | 73.34 | 89.90  |
| Maharashtra                           | 92.22 | 111.63 |
| Mysore                                | 44.56 | 52.66  |
| Orissa                                | 5.94  | 11.09  |
| Punjab                                | 30.66 | 40.89  |
| Rajasthan                             | 29.55 | 32.81  |
| Uttar Pradesh                         | 85.95 | 94.80  |
| West Bengal                           | 62.82 | 85.41  |
| Delhi                                 | 14.37 | 23.59  |
| All India (Population<br>in millions) | 62.28 | 78.84  |

There are several States in the Indian Union where the proportion of urban population is lower than the national average of 17.97%. The larger cities even in less urbanised states and metropolitan areas have recorded higher rate of increase in population. In Uttar Pradesh the general increase between 1951-61 was 9.9 per cent. The population of Kanpur, Lucknow and Agra has increased by 37.9%, 33.9% and 38.5% respectively. The Greater Bombay has increased by 40%, Ahmedabad 37.4%, Bangalore 40.41% and Nagpur 43.32% though the population of the respective States was half of this figure. The system of two tier of local Government establishes a major authority for planning co-ordination and administration of big works like water supply system and extension of water mains, the sewage disposal and drainage works, transport stands in need of high technical skill, heavy capital outlay and elaborate organisation with strong will to handle the projects. The handling of such heavy liabilities is beyond the capacity and scope of small and local bodies. Such works including

\* Augmentation of Financial Resources of Urban local bodies, p. 22.

modern planning, sanitation, good education, public health and other similar affairs can better be handled by the metropolitan councils. The lower tier units can be in a position to deal with minor items which by nature are local such as dispensaries, primary schools, recreation facilities, cleanliness, street lighting etc. Small units can easily handle the affairs of essential amenities which may be within their reach. Although the overall increase in population has been very great, there were in 1961 only seven cities in India having more than a million population. The Greater Calcutta including all contiguous urban areas had in 1961 a population of 5.5 millions. Calcutta is one of the ten larger metropolitan areas of the world. The Calcutta city proper had a population just under three millions.

The greater Bombay had slightly more than four million people, ranking position in the list of largest cities of the world. The density in all the big cities has considerably increased and in the country as a whole the density has gone up from 316 to 384 per square mile. The States of West Bengal and Kerala have the highest incidence of density. The big cities are becoming unmanageable and the cost of providing amenities and maintaining civic services in metropolitan areas are extremely high. There is a growing demand for limiting the size of big cities, but only restrictive measures cannot help to prevent the unplanned growth of the big cities or to regulate migration from rural to urban areas. There is a need for the preparation of national, regional and the city development plans and the work undertaken. The further growth of big cities be checked by developing industrial cum-residential satellites and for dispersal of employment opportunities to bring within easy reach of the poor population.

According to the practical side of the working it has been considered feasible and beneficial that with a view to deal with minor issues which relate to the local public the big corporations and metropolitan areas and larger cities with a population of 5 lakhs and more be divided into a number of zones so that each circle covers on an average population ranging from 5,000 to 2,00,000 according to the population and problems of the city. This system is prevailing in Bombay, Delhi and other big corporations of the country.

In order to examine the financial aspects of the local bodies in the country the Central Council of Local Self Government appointed a committee of some State Ministers for Local Self Government with a view to suggest ways and means for augmentation of finances of urban local bodies. This committee has rightly

recommended that the fiscal resources of the urban local bodies should be augmented by allocation of share of certain taxes like entertainment tax, motor vehicle tax, electricity tax etc, which now go to the share of the state Governments. It has further recommended that article 285 of the Constitution be amended as to provide for the collection of revenue from the properties of Central and the State Governments. This question was taken up by the Taxation Enquiry Commission Report in 1954 with a view that government properties used for commercial purposes like post offices, railway departments and the government quarters may be taxed on rational basis so that the resources of the local bodies are exploited to the fullest extent. The Finance Enquiry Committee and the Commission appointed by the Government have also dealt with the problems with concrete proposals for the consideration of the Government. If the recommendations of the above committees are accepted and implemented at an early date, it would go a long way in solving the financial problems of the urban local bodies including the big cities and municipal corporations in the country. The power of the corporations to levy taxes was restricted in the sense that the proposals of the corporations to levy certain taxes were subject to the sanction of the State Governments while on the other hand the State Governments had absolute powers to levy the taxes falling within the list of taxes which the State legislature was competent to levy. The jurisdiction of the corporations including other local bodies and state governments in the matter of levy of taxes should be separately defined so as to leave exclusively the range of taxation by each. As an instance how the State Governments encroached upon the taxation rights of the corporations though the corporations were levying the property taxes, the State of U.P. had decided to levy property tax also in the same way as the Maharashtra Government had done in the matter of education cess. Legally speaking it may not be an encroachment on the rights of the corporations but the corporations being the representative body of the public had to give due consideration to the effect the levy of such taxes by the State Governments would have on the tax payers in the city who had already been taxed heavily. The local bodies including the corporations on the other hand were denied even the share of the revenue derived from such taxes as entertainment tax, road tax, sales tax, electricity duty, which the State Government derived from those residing within the corporation limits and to whom they were required to provide basic amenities.

### Reorganisation of Urban Administration

In the Central Government level two ministries are specifically concerned with urban development, i.e. Ministry of Health & Family Planning, and Ministry of Works, Housing and Urban Development. The Ministry of Health & Family Planning is responsible for the co-ordination of matters relating to urban local self government. The Ministry of Works, Housing and Urban Development has been created under a Presidential order of January 25, 1966 by adding Urban Development to the erstwhile Ministry of Works and Housing and the Country Planning Organisation has since been transferred to this Ministry. The urban development including housing takes place within the area of urban local bodies. It is generally observed that the municipal bodies are not in a position to meet the requirements of urban development. Both Ministries are responsible for successfully handling the administrative working of the local bodies but there seems to be no permanent arrangement for the two Ministries to get their representatives meet to discuss and co-ordinate the working of urban development and other functions entrusted to them under statutory provisions of law. This lacuna has to go.

### Financing of Plans in Urban Areas

Due to lack of finances the schemes prepared after serious consideration cannot be implemented. That is why the urban area conditions do not get marked improvements. The Planning Commission made an announcement that Central Plan assistance to the States for the Fourth Five Year Plan would be distributed as 70% on the basis of population, 10% each for economically backward areas and socially backward classes and the balance 10% for special and emergency programmes. In the field of urban development there are six schemes which receive central assistance out of which three are centrally sponsored and three are centrally assisted. These schemes with their pattern of financing are shown on next page : -

\*'Center-State Relations in Urban Development,' Abhijit Datta and Mohit Bhattacharya, p. 73.

### Under Development Schemes and their Pattern

#### **Centrally Sponsored Schemes**

| <i>Central Loan</i>               |     | <i>Central grant</i> | <i>State Govt. grants</i> |
|-----------------------------------|-----|----------------------|---------------------------|
| 1. Slum Clearance and Improvement | 50% | 37%                  | 12½%                      |
| 2. Preparation of Master Plan     | —   | 100%                 | —                         |
| 3. Urban Community Development.   | —   | 50%                  | 50%                       |

#### **Centrally Assisted Schemes**

| <i>Central Loan</i>                           |      | <i>Grant</i> | <i>State Govt. grant</i> |
|---|------|--------------|--------------------------|
| 1. Subsidised Houses                          | 50%  | 50%          | —                        |
| 2. Low Group Housing Scheme                   | 80%  | —            | —                        |
| 3. National Water Supply and Sanitation Urban | 100% | ...          | —                        |

The World Health Assembly has very seriously taken up the issue for meeting the day to day problems of the urban areas for proper development. The gist of understanding and the stand of World Health Organisation indicates the interest W.H.O. is taking to improve the conditions of under-developed countries. Our country has several acute and chronic problems to solve with the support of such organisations.

# 5

## *Development Programmes*

The Community Project Programmes were launched all over India on 2nd October 1952, the birth anniversary of Mahatma Gandhi. The underlying concept of the programme is that the main motive force for its implementation must come from the people themselves, and that the vast energy lying untouched in the country-side should be harnessed for constructive work on co-operative principles. Again, another distinct advantage is that the entire development work for the village has been centralised, and entrusted to one organisation so that the decisions can be given effect to more speedily. Its main objectives are to generate self-reliance in the individual and initiation in the village community and develop institutions like the Panchayats, Co-operative Societies, Vikas Mandals etc.

The programme seeks to develop certain selected groups of villages into a closely integrated rural community, equipped with the minimum amenities of modern life. It aims at : (a) providing tube wells or tanks for drinking water, (b) adequate drainage facilities, (c) agricultural extension services, (d) sanitary services, (e) provision for irrigation, (f) development of housing sites and also forests for fuel, (g) construction of roads, (h) primary education for school going children as well as centres for adult education, (i) recreation centres, (j) development of cottage industries.

### **Objectives of Community Development**

The basic aims of Community Development Projects are to :

- (1) increase the agricultural output by every possible means ;
- (2) tackle the problems of unemployment in the rural areas ;
- (3) improve village communication ;
- (4) foster primary education, public health and recreation in the villages ;

- (5) improve housing and community development;
- (6) promote indigenous handicrafts and small-scale industries.

The success of the community development programme depends to a very large extent, on the urge and the ability of the villagers themselves to improve their lot through voluntary efforts. The Government stands by to offer guidance, and also to provide a considerable measure of assistance, financial as well as technical for the execution of development work. The Programme Evaluation Organisation of the Community Development Programme pointed out that there was no co-ordinated endeavour, the programme was more governmental than popular in character and it was more sustained by hope than achievement.

The people's enthusiasm has not been aroused in respect of the improvement of agriculture. There is lack of irrigation facilities, and few measures have been taken to fight pests, to prevent soil erosion and prevent floods. On account of the shortage of supplies, chemical fertilisers and insecticides cannot be supplied. The inadequacy of the supply of drinking water facilities and the existence of insanity and unhygienic conditions are most deplorable.

The community centres, the women's organisations, and the youth clubs which were organised to develop community sense, corporate outlook and social consciousness have become either defunct or have not functioned properly.

Our country seeks to build new institutions and new community not only in big cities or the metropolitan areas but also in village primary community traditional hierarchical organisations in which the status, rights, obligations and interest of individuals and groups differ. A new set-up is being put in to rebuild the whole structure along egalitarian principles. The organisation of local government in the larger cities is confronted to the stresses and strains generated by day to day growing population in the cities. A heterogenous, impressionable and immature electorate has been called upon to exercise its franchise in a new atmosphere of considerable political activity. It has been observed that political interests rather than civic considerations have dominated the administration of local government. In big cities different sections of the population with group or individual problems appeal to party programme and platforms. The conditions which are good for the city improvement are neglected and things which are politically more important come in the forefront.

There are various important factors in India which render the municipal organisations unsuccessful to achieve the desired object. In our country unfortunately the position of municipal corporations and local body units, notwithstanding the development of the recent times of democratic principles is quite vague, unstable and uncertain. It can be safely assumed that the municipal institutions have deteriorated in their duties and functions. The position for adoption of the principles of complete local autonomy and responsibilities to the local affairs and the powers to handle them has yet to be achieved.

### THE IMPROVEMENT TRUSTS

Improvement Trusts were constituted for town development and were established under special enactments like Bombay Act in 1898, Calcutta in 1911, U.P. in 1919 and in Delhi and other places. The Improvement Trusts carry out the functions of preparing improvement schemes to indicate the use of land including land acquisition, redevelopment and disposal for planned development. The powers and duties differ at several places. In Bihar and Orissa the Improvement Trusts are empowered to prepare Master Plan and to enforce it, but in Rajasthan the power of preparing Master Plan rests with Chief Town Planner of the State Government and enforcement and implementation have been entrusted to the Improvement Trusts. The Bombay Town Planning Act 1915 was radically recast in 1954 and entrusts the planning and development functions to the local bodies within their jurisdiction. Similarly in Uttar Pradesh under the Nagar Mahapalika Adhiniyam 1959 the municipal corporations have been made responsible for planning and development and were given the powers of the improvement trusts after the corporations were established. The Government of India enacted a model law for town and country planning which was approved by the second conference of the Ministers of Town and Country Planning in 1962 after which Andhra Pradesh and Gujarat have drafted similar bills. The Mysore State adopted a Town Planning Act in 1911 on the pattern of Bombay Act to make the rural or urban local authority a planning body. The Madhya Pradesh Act empowers the Collector of the district to declare an area of 7 miles on all sides from outer boundary of the town as controlled area for regulating construction and development. A similar legislation is enforced by the capital project administration for Chandigarh. The

**Calcutta Metropolitan area (use and development land) Control Act 1965** is on the above lines.

Under the Delhi Development Act 1957 a high powered development authority was constituted for preparing Master Plan for Delhi and also the zonal development plans for different areas of the urban limits. The Delhi Municipal Corporation has been restricted for permitting the development only in urban areas which have not been declared as development areas for purposes of preparing zonal plans. The Municipal Corporation cannot give the permission for any construction or development which is not according to the Master Plan for Delhi, prepared and enforced from 1st September 1962 under Delhi Development Act 1957. The Delhi Development Authority is an autonomous body with the Lt. Governor as its Chairman. The Development Authority is a high authority with wide powers for acquisition and development.

The shortcomings in the functions and structure of Improvement Trusts in the country became apparent with an increase in the rapidity of urbanisation and problems of growing cities. The shortcomings present a picture of various organisations with different functions and jurisdiction which have inadequate resources and powers for planning and implementation. The existing municipal bodies are not clothed with the legal sanctions for the task of planning and development as their jurisdiction remains limited and they cannot plan for areas beyond the limit of urban local body.

Regarding the limitations and lack of sources, the Committee on Urban Land Policy held definite views and observed as follows :\*

"Under the existing administrative and organisational framework there does not seem to us any one particular public authority, which may be considered suitable for the purpose of bringing about the required co-ordination and integration in policies and programmes bearing on urban land development, controls and planning. The urban local bodies like the municipal corporation or municipal authorities being elected bodies with a wide range of functions and limited resources are not the proper agencies to whom may be entrusted the important functions of land acquisition, development and disposal nor would they be effective enough in bringing about the desired co-ordination in land policy measures of the various agencies involved in any urban areas. The Improvement Trusts and

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\*Report of the Committee on Urban Land Policy, p. 52.

the Housing Boards also operate within limited jurisdictions for specific purposes. Even these agencies constituted as they are today may not be equal to the task."

It is considered necessary that a simple agency should be made responsible for the planning and development of other area-wise functions such as water supply, sewage disposal, drainage facilities, roads and other means of communications. The statutory planning and development authorities be so constituted as to be representative of various interests of the area without being unwieldy in numbers. It should have the prestige and status to discharge its duties successfully.

### **Role of State Governments**

It is against the background of weak municipal government and mounting problems of urbanisation that the relationships between the State Governments and municipal bodies have to be improved. The municipal acts in India were legislated long ago when there were hardly any problems of growing urbanisation. Even now the old municipal acts are in force in West Bengal (Act of 1932), Bihar (Act of 1922) and Punjab (Act of '911). Several of the States e.g. Assam, Orissa, Andhra, Kerala, Gujarat, Maharashtra, Rajasthan, Mysore and Uttar Pradesh are governed under new Corporation Acts. But all legislations were not enacted to improve the municipal bodies with adequate powers and resources necessary for a planned and regulated urban growth.

In most of the States town development functions were not statutorily given to the municipal committees, the improvement trusts were created under special statutes, and laws were enacted to create competitive institutions without solving the real problems of overall planning and development of the urban areas. Where urban local bodies are empowered to undertake planning works such powers are exercisable in limited sphere only.

For urban development programmes like water supply, drainage and sewage disposal, planning etc. the municipal bodies have to depend on the State Governments in respect of issuing orders, approving bye-laws, accoridng sanctions etc. All municipal bodies do not have well-equipped departments and qualified technical staff as engineers, town planners and architects and look to State Governments for assistance both technical and financial.

The urban development programmes for municipal bodies involve financial liabilities. But the municipal bodies are financially

weak as their financial resources are limited which are supplemented by tax sharing with State Governments, and grants-in-aid. The State Governments have framed elaborate financial rules and regulations and the audit system is based on finding fault than giving advice and assistance. A restrictive regulation is illustrated by the fact that in Rajasthan even when a budgetary provision exists every expenditure proposals exceeding Rs. 5,000 requires the sanction of the State Government. The restrictions are even more rigorous in the case of indebted municipal bodies.

Some of the State Governments are giving capital grants to the municipal bodies. In West Bengal, the municipalities are offered two thirds of the initial capital cost of water-supply or sewerage project as grant ; the corresponding figure for Kerala and Mysore is fifty per cent. The Madhya Pradesh Government is offering grant to the municipal bodies to the tune of thirty per cent of the capital cost of a water supply and sewerage project. Gujrat system is on the basis of classification of municipalities. So far as other municipal capital works are concerned e.g. road constructions, housing etc., it is not possible to make any generalisation that would fit in with the situation in all the States.

### Problems of loans

The problem of procuring loans for municipal capital works is equally great. Although the municipal corporations are not legally debarred from open market borrowing, their credit-worthiness stands in the way of such borrowing. Also, the Reserve Bank of India, and the Union Ministry of Finance exercise strict control over borrowing by the Municipalities in order to avoid competition with the loans raised by the Union and State Governments. Owing to increased commitments under the plans of the Union, the State Governments also do not favour municipal borrowing from the market which requires States' sanction and guarantee. Since an indebted municipal body has to submit itself to various financial controls by the State Government, the municipal bodies too do not feel encouraged to go in for loan funds for their development works. In this connection, the present Maharashtra practice needs special mention. Realising the difficulties of municipal borrowing the Maharashtra Government has been contracting bulk loans from the Life Insurance Corporation of India and passing these loans on to the municipal bodies.

It is the State Government wherefrom the municipal bodies can get loan funds. Owing to increasing commitment under the plans outlay and extremely tight financial condition, the State Governments are not in a position to allocate adequate funds to the municipal bodies.

In view of the difficulties involved in municipal finances suggestions have been made to set up State Urban Development Boards with initial capital drawn from total plan provision for investors, trusts, commercial banks and so on by issuing long-term, tax-exempt bonds secured by the credit of Government. This has been suggested by the "Augmentation of Financial Resources of Urban, Local Bodies"\*\* which is as under :

Financial assistance from the Central or State Governments to the local bodies can be either through grants or through assigned revenues. By assigned revenues is meant that the proceeds of certain taxes are exclusively assigned to the local bodies. By shared revenues is meant that the proceeds of certain State Revenues are shared by the State with local bodies. Conflicting opinions have been expressed on the question whether grants-in-aid or the assignment or sharing of State taxes is the better method of rendering financial assistance to local bodies. The Taxation Enquiry Commissioner expressed the following view :

"That the additional revenue should be fully made available to local bodies by way of grants-in-aid rather than by way of assignment of a share in the receipts of the taxes levied by the Government : firstly, because revenue without responsibility would be demoralising and secondly, because grants-in-aid can be determined on the basis of needs and be coupled with the maintenance of desirable standards."

It is also suggested that setting up of a Municipal Finance Corporation in order to meet the capital requirements of municipal enterprises is useful as has been suggested by the Report of the Rural Urban Relationship Committee\*\* Naturally, borrowings by the State and Central Governments would have precedence over borrowings by local bodies as the latter do not enjoy sufficient credit-worthiness. Nevertheless, the necessity of raising loans by municipal councils

\*Page 56

\*\*Pages 107-108, Vol. I

must be accepted. The Committee are afraid that it may not be possible for individual local bodies, excepting the Corporations, to raise market loans. However, what the individual local bodies may not be able to do by themselves, can be done by a collective organisation. It is the considered view of the Committee that the appropriate solution to the problem of financing capital works of local bodies lies in preparing the city development plans and incorporating them in the State Five Year Plans. The State Governments should include the requirements of urban local bodies in deciding the quantum of loans to be raised from the open market. The Committee further recommend that with a view to meeting the capital requirements of municipal enterprises, including city transport, milk supply, electricity, markets, cinemas, hotels and the like, a Municipal Finance Corporation should be set up to advance loans to the local bodies. It should have an authorised capital of Rs. 10 crores to be subscribed by the Government of India, the Reserve Bank of India, the State Bank of India, the Life Insurance Corporation, commercial banks and other financial institutions as also the local bodies. It would be run on commercial lines and should have the power to issue debentures and raise market loans under the guarantee of the Union Government.

### **Conclusion**

Urban Development Boards will not advance if the municipal bodies suffer from lack of financial resources and proper strengthening of municipal administration remains neglected. Our Five Year Plans have so far constantly kept municipal development out of their scope. There is apprehension that integration of municipal development plans with the State plans could lead to the blurring of the indistinct line that separates State Government from municipal Government. Certain institutional devices such as the independent statutory municipal credit agencies, and municipal finance commissions exist as suggested in Report of the Rural Urban Relationship Committee\* which runs as follows :

#### **Municipal Finance Commission in the States :**

There has been a demand on the part of Corporation and other municipal bodies that specific items of taxation should be reserved to them under the Constitution following the precedent of the 1919 Reforms, when certain heads of taxation were exclusively assigned to local bodies under the devaluation rules. The

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\*Page 88.

Taxation Enquiry Commission which considered this matter, was of the view that this can be ensured by conventions and policy decisions on the part of the State Governments. While the Committee do not consider it necessary or expedient to suggest an amendment of the Constitution, they are of the view that if the local bodies are to be made financially self-reliant they should be assured of adequate sources of revenue to meet the cost of their essential services for a specific period, say five years, after which there should be a re-examination and new financial arrangements made. In making this proposal, the Committee have in view the provisions of Article 280 of the Constitution, regarding the appointment of a Finance Commission for distributing the net proceeds of taxes divisible between the Union and the State Governments and laying down principles which should govern the grants-in-aid to the State out of the consolidated fund of India. The Committee recommend that well before the appointment of the Finance Commission by the President, the Governor of each State should appoint a body to be known as the Municipal Finance Commission to examine the financial requirements of local bodies for meeting their financial obligation for water supply, sanitation, health and other obligatory services and expenditure on schemes of planning and development forming part of the State's Five-Year Plan but meant to be executed by the local bodies. The Commission should make an assessment of prospective revenue which the local body should expect to realise from the resources allocated to it and lay down the scale for sharing of certain taxes divisible between the State Government and the local bodies. After adding the revenues which the local body can realise from non-tax resources, the balance may be covered by grants-in-aid to the local bodies out of the consolidated funds of the State. There would be nothing to inhibit the local bodies from acquiring additional funds from the existing or new taxes. The Scheme, the Committee feel, would not only act as a financial insurance for local bodies and protect them against arbitrary incursions of the State Government but would also act as a stimulus for the local bodies to make the best use of the taxes allocated to them. The State Government may include the financial obligations arising from the recommendations of the Municipal Finance Commission in their proposals for the Finance Commission. Thus the finance of local bodies will become an integral part of the overall national finances.

## THE DEVELOPMENT PROGRAMMES IN URBAN CITIES

While giving a talk on the population problems in India Dr. S. Chandrashekhar, the Union Minister of State for Health has remarked as follows :

"In the world today India ranks second in population number (China tops with more than 750 million) and seventh in land area. Although India is only about two fifths the size of the continental United States of America, she has about two and a half times the United States' population. The pattern of growth of India's population is comparable to the growth of world population. It has slow and imperceptible growth for thousands of years and then an explosive increase in recent decades. In 1901, India's population adjusted to the present area, was 238.3 million. In 1921, twenty years later, the number increased to only 251.2 million or an increase of only 12.9 million. But during the next two decades it jumped to 318.5 million in 1941, or an increase of 67.3 million in twenty years. And in the next twenty years, between 1941 and 1961 it rose to 439.0 million, or an increase of 120.4 million.

Today our population is over 515 million. The present population equals that of 56 countries of Africa and Latin America put together. A baby is born every one and a half seconds; that is more than 55,000 a day and 21 million every year. The birth rate is 41 per thousand per year."

The proportion of urban population in some of the States is lower than the National figure of 17.97 per cent. The larger rate of increase is in big cities and metropolitan areas. In Uttar Pradesh the general increase in urban population was 9.9 per cent during 1951-1961 but in urban cities like Lucknow, Agra and Kanpur the increase was 33.9, 38.5 and 37.9 per cent respectively. The Greater Bombay increased by 40% and Nagpur 43.32% while the increase of population in the above states was only half of the above figures. This shows that the immigration trend was towards the larger urban centres. The Government should take serious steps to check this rate of flow to big urban cities. Mostly the restrictive measures will not solve the problem otherwise big cities are becoming unmanageable and the costs for extending the desired amenities and maintenance of civic services in the Metropolitan Areas cannot be made available.

## POPULATION DISTRIBUTION

The density of population in big cities has considerably increased. The example of four big cities is clear indication that the conditions prevailing in Calcutta, Bombay, Madras and Delhi are appalling in many respects. The residential concentrations were reported to be 4,00,000 to 4,54,000 persons per square mile in some wards of Calcutta giving a ratio of 650 to 700 persons living in the area of one acre in this biggest city of India. In Delhi also in some old city areas the density of population is estimated to be 700 to 1,100 persons in 1 acre of land. In Bombay Island the density must be about 2,56,000 persons per square mile (400 per acre) in 1951 which may have exceeded 3,00,000 by now.

While quoting on the Housing situation in India the National Sample Survey gave the correlation between size and living conditions in India in the following table :—

### **Family living in one Room or Less**

|                 |     |
|-----------------|-----|
| Rural           | 34% |
| Urban           | 44% |
| Four big cities | 67% |
| Calcutta        | 79% |

### **Household with per capita floor area of less than 50 square feet.**

|                 |     |
|-----------------|-----|
| Rural           | 14% |
| Urban           | 21% |
| Four big cities | 33% |
| Calcutta        | 70% |

Calcutta is the biggest city of India where only 5% of the families live in separate flats and only 2% of the population live in complete houses. Most families live in rented accommodation. 17% of the families have no living room at all and 30% have less than one third of the room for their use. About 77% of the people of Calcutta live in over-crowded rooms.

As for the amenities for the people of Calcutta 30% of the families have no water taps of their own. 60% share water taps with others and only 9% of the population have one tap for themselves. In Calcutta 12% population have no latrines and 49% of multi-member families have no separate bathing facilities. There is a population of 78% having no really usable separate kitchen and 45% have no electricity.

In the book "*India's Urban Future*" Shri Ashok Mehta has rightly pointed out in a special chapter xxii\* (The future of Indian cities : National issues and goals), that two tremendous forces have been unleashed in India today : a relatively rapid rate of population growth and an increasingly rapid rate of urbanisation. If these forces are allowed to operate the results will be explosive. The population in India can reach by the year 2000 the figure of a million with one third of that number crowding into urban areas. In this way a five-fold increase in the urban population in as many decades would pose a challenge unmatched before. He further says that these population changes could result in the migration of 85 million people from rural to urban areas.

National policies can provide direction to urbanisation and shape the size and pattern of towns and cities.

**The Address by the Union Minister for Health at the Inauguration of the Seminar on Five Year Municipal Development Plans at the Indian Institute of Public Administration on the 11th March, 1968**

The address by the Union minister for Health laid stress upon this problem in the following words :

"The urban local bodies are principal agencies in the urban areas for bringing to the citizens the benefits of education, medical and public health, housing, water-supply, sewerage and other civic amenities. They are also suited to mobilise public support and participation in ensuring the prevention and control of communicable diseases and promoting family planning and welfare. Apart from performing these tasks, Local Self-Government helps to build up future national leadership as efficient local self-governing institutions can provide a base for democratic structure.

The urban local bodies must be so organised as to provide an effective administrative machinery for catering to the civic requirements of the citizen within a democratic framework. This envisages an efficient administrative and technical executive as well as a well-informed body of councillors oriented to the tasks of urban government which are growing more and more complex under the impact of rapid urbanisation.

The need of planning of urban areas is greater in view of the rapid growth of towns and cities. Only 18% of the population of India has been classified as urban in the 1961 census, the 80 millions of urban dwellers in India is a working force, greater than the urban population of any other country excepting the United States.

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\*Page 413.

the USSR and probably China. The rural outlook is being transformed into urban modes of living by the expansion of the city and the migration of the rural people to urban areas in search of employment. The future happiness and safety convenience depend on steps for planning the towns and developing and maintaining the municipal services.

The problem threatening to undermine all efforts of planning and development to ensure higher standard of life for the people is the danger of population explosion. We are maintaining a good percentage of the world population with only 2.4% of its area. The population is increasing at the rate of 13 million people a year.

Local Self-Government institutions are important training ground for citizens as schools of democracy for promoting public participation and developing local leadership. Municipalities and Corporations are the major units of Local Self-Government, mobilising local resources for the management and development of municipal services and the building up of civic, social and cultural life. The urban local authorities are primary agencies for the implementation of programmes of housing, slum clearance, provision of water supply and sewerage facilities, education, public health, and family planning and welfare of the people.

The rapid growth of urban population, has put a strain on the financial resources of urban local bodies. The influx of the rural population to urban centres and the unplanned expansion and haphazard growth have accentuated the deficiencies. This has led to the multiplication of slums, squalor and insanitation and has put a strain on Water Supply and Sewerage Disposal Works. Old congested parts of cities have high densities of about 150,000 per square mile. In Kanpur 64% of the tenants have one room houses. Open spaces in some cities are less than half an acre per thousand of population instead of the standard requirement of 4 acres. The cities have large number of pavement dwellers. Extensive encroachments on public land and road sides, unauthorised and haphazard constructions are testimony to the inadequacy of municipal machinery.

The general deterioration in the working of urban local bodies is a matter of great concern. The image of urban local administration is far from satisfactory and is associated with inefficiency, corruption, delay and harassment. There may be 40% of our Municipal Corporations without elected Councils, and they in several important cities and towns in the country had to be superseded and placed under

Administrators. The situation requires serious thinking and steps should be taken to see that urban local bodies could function efficiently within a democratic framework.

The imbalance created by the unplanned concentration of large population in a few urban centres is great. Out of the 2,700 urban towns listed in the last census 45%, of the population is concentrated in about 107 cities with a population of 1 lakh or over. The larger cities continue to grow bigger at a terrific pace.

The Public Health, Sanitation, Housing, Water Supply, Sewerage, Education and general problems of civic improvements and welfare are joint responsibilities of the State governments and city administration. Finance have to be provided for these services. According to studies carried out by Rural—Urban Relationship Committee 15% of the Municipal authorities had an income exceeding Rs. 30 per capita in 1962-63. Majority of urban local bodies have a per capita income of less than Rs. 10 per annum. 50% of the local authorities were found to have spent as little as rupee 1 per capita on public health services. There is a need of augmentation of local financial resources of urban local bodies and steps in this direction have to be taken both by the State Governments as well as by the local authorities to exploit fully the sources of revenue allotted to them. This flaw in Urban Local Bodies has been in the absence of a properly regulated system of personnel management and training.

The inadequacy of protected water supply and sewerage facilities is responsible for insanitation and gastro-intestinal diseases. There is less than 50% of the urban population covered by water supply schemes and more than 75% have to be provided with sewerage facilities. The draft Fourth Five-Year Plan made a provision of Rs. 220 crores for the National Water Supply & Sewerage programme as against a total of Rs. 110 crores released as loan assistance during the period of the first three plans. It is estimated that an investment of the order of 1,000 crores will be necessary to cover the urgent needs of the present urban population. The rapid process of urbanisation may double the urban population within the next 15 years. It has been seen that the sewerage schemes do not receive adequate attention because no sewerage scheme is possible without adequate water supply and expenditure on sewerage is looked upon as a dead investment. It is imperative that the State Governments give priority to sewerage schemes treating water supply and sewerage to be run on a self-sufficient and self-paying basis. Out of 61 towns for which figures were collected by the Central Public Health Engineering

Organisation of the Health Ministry, 34 were running their water works at a loss. It will not be possible to finance all requirements of water supply unless these projects are run on commercial lines. The pattern of assistance in respect of these schemes has been liberalised to give a 50% subsidy on water supply schemes to small towns having a population not exceeding 20,000 according to the 1961 census. For sewerage schemes all towns and cities avail themselves of 25% subsidy to be shared equally by the Centre and States provided the sewage is utilised for agricultural purposes.

One of the problems that continues to baffle urban administration is the transport and disposal of city refuse and garbage. In a large number of towns the transport of rubbish has still not been mechanised and not properly maintained. The disposal is far from satisfactory and city refuse continues to be dumped in different places in an unhygienic manner. A token sum of Rs. 4 crores was provided in the draft fourth plan for loan assistance for mechanisation of transport. Steps are also being taken to evolve and test possible methods for the speedy removal of city refuse. The Ministry of Food and Agriculture and the Planning Commission have considered proposals for setting up mechanical composting plants on an experimental basis. There is need for evolving methods to rid urban cities of the dumps of refuse and garbage which are breeding grounds of flies and mosquitoes endangering citizens' health.

Our population has already gone up by over 80 million since 1961, and unless we are able to reduce the birth rate from 41 per thousand to 20 or 25 per thousand per annum the present population of over 5000 million is likely to double in the next 27 years. Our urban local bodies have not so far been fully involved in the efforts to meet this national crisis and have not taken full advantage of the assistance offered to them. It is necessary that the local bodies are made aware of this scheme and their machinery should be mobilised for educating local people and organising publicity for implementing the Family Planning Programme by reopening family welfare centres and using all hospitals, dispensaries, maternity homes etc. for promotion of the programme.

The rapid industrialisation and urbanisation in the country and the city developments have an important part to play in directing urban developments.

All are aware of the consequences of chaotic urban growth. Slums, flight, over-crowding, congestion, insanitation, traffic problems, scarcity of basic necessities like water supply, schools and hospitals

etc. all these are a manifestation of lack of planning for urban development.

Cities continue to grow when there are no plans, and the requirements of the urban areas have to be provided for, which is done haphazardly with a narrow perspective. The total amount for all such diffused un-co-ordinated and invisible investments works out to a substantial amount. In case these investments are made with a well conceived co-ordinated long term plan overlapping and wasteful expenditure would be avoided and become effective and economical. The healthy physical environment adds to efficiency and productivity of labour, minimises cost of commutation for journeys to places of work, shopping and recreation. It reduces the incidences of disease, delinquency, crimes, fire and traffic accidents and public expenditure thereon. In the long run amount spent on planned development is more economical, useful and remunerative than equal investment incurred without planning.

The rural development has received the priority that it deserved and plans for the rural areas are in operation. All these things are inter-related and co-ordinated with each other.

City Development Plans are plans for the optimum organisation of land use and community environment. The land use plan and other elements of the comprehensive development plan, the economic base, deserve consideration for its techno-economic development potentialities. The social and cultural organisation and its financial and administrative aspects have to be kept in view.

The city development programme is based on the type of "Capital Budget". Once this is done the problem of financial resources would be considerably relieved because any city development programme would consist of a number of public works or public services. The establishment of a hospital for the State Medical Department; the running of a higher secondary school is the function of the State Education Department; the municipality is concerned with water supply, sewerage, drainage and sanitation, primary education, roads, parks and gardens, fire fighting etc. The Improvement Trust may be concerned with acquisition, development and disposal of land and the construction of tenements for residential purposes. For projects and services the Central and the State Governments are distributing certain grants and loans. As for example for the water supply and sewerage scheme there is the Health Ministry's National Water Supply and Sanitation programme, for slum clearance and urban development, Ministry of Works,

Housing and supply provides loans and grants to the State Governments and local authorities. For national highways, the State Governments get some subsidy from the centre. The expansion of medical and educational services are being Financed as parts of State Five Year Plans Once co-ordination is established between operating agencies, the financial resources, administration and implementation of the programmes become practicable. Besides the revenue that is available through co-ordination of plan and budget outlays, revenue can be raised for plan-implementation from land acquisition, development charges, conversion fees etc. The local bodies have to make serious efforts to raise resources. It may be mentioned that they do so by improving their property tax base, and by rationalising the rates. Most of the municipal services are chewing losses and are just able to break even. In a developing economy this policy has to change and their service taxes and charges need to be raised. Some persons say that the Municipal services must not make profit but follow a no-profit-no loss policy. This argument does not hold good in an economic situation like ours. In the interest of rapid economic development we have to see that more resources are created and pushed back. The municipalities should try to raise revenue by the construction of markets, shopping areas, parking places, cinema halls, houses for rental purposes and similar activities. Municipal financial administration may be pulled up and wasteful expenditures avoided. The programme that city municipality wishes to include will generate revenue surplus after the programme has been implemented. Such schemes will save a lot of money on interest payment. All this means that revenue potential should be introduced in municipal programmes and executed as a part of city development plans.

For Plan implementation, administrative co-ordination is necessary. The organisational unit may be a multiplicity of implementing agencies. The Delhi Municipal Corporation has three public undertakings, Delhi Electric Supply Undertaking, Delhi Transport Undertaking and Delhi Water Supply and Sewage Disposal Undertaking, where the question of co-ordination and organisational relationship becomes much more complicated.

The procedural requirements for effective plan implementation are more extensive than the ones required for plan preparation and sanction. The co-ordination has to be in relation to timing, phasing material and financial resources, staffing and other organisational and administrative requirements. Besides the need for an organisation which can observe the entire development this overall co-ordinating

agency must be vested with powers to ensure co-ordination in the formulation of programmes and their implementation. Such an overall co-ordinating agency should also have the powers of evaluating the progress of plan-implementation. At present such an overall coordinating agency does not function anywhere.

The plans prepare, try to envisage the developments in the future. The planning proposals are based on assumption as regards the growth of population, rate of migration, nature of economic base, growth of economy and growth of revenue resources etc. As plans are implemented certain programmes get materialised whereas in certain others there may be shortfalls. Quite often some bottlenecks like the non-availability of building materials, delays due to litigation, failure on the part of City Councils to budget adequate expenditure for plan programmes may arise. The National or State Government policies on priorities may change. Science and technology also may create as many problems as it solves. All these developments cannot be reasonably anticipated at the time of plan-formulation. It becomes necessary to review the city development plan periodically and revise it in the light of the changed context.

The civic problems of our cities are complex and grave. A well-planned approach and an appropriate machinery can solve this huge problem. The great impediment to the solution of urban problems is the acute financial stringency of local governments. The crux of the situation is that the financial requirements of local governments have not been taken into consideration while formulating Five-Year Plans to a significant extent. It was in the second five year plan that some allocation was made for funds for programme of water supply and slum clearance. This was only a token provision of funds and the annual figure was negligible. The financial needs of city government for Education, Health and Medical aid, Communications, and Housing were not considered. A master plan for Bombay was prepared which estimated the development expenditure at Rs. 125 crores. The master plan for Delhi envisages a capital outlay of about Rs. 135 crores. The local governments have no source to arrange for funds which must be included in the framework of National Five-Year Plans for development needs of Indian cities.

Bombay has given a lead to the country in municipal reforms, new ideas and execution of works. The population of that corporation area is more civic minded. The deliberative wing leadership is virile and co-operative. The slums are still there to spoil the fair name. The State Government must contribute for adopting a process

of orderly redevelopment by the eradication of slums and city congestion. The Delhi Master Plan is a comprehensive attempt to draw a long term programme for the development on modern designs. Its implementation is a great thing for the Government of India to bear the brunt of financial burden. The Delhi Municipal Corporation is the principal agency for the execution of master plan programme. Delhi Municipal Corporation has no financial resources to bear the burdens. The responsibility for the proper development of the capital city of the country lies with the Central Government in more than one way, The Municipal Corporation of Delhi cannot afford to spend out of its revenue for the capital works.

The Central government must provide the desired amount in the Five Year Plans in order to build Delhi in all respects a worthy capital for a great and prosperous democracy.

From the growing rate of influx of population in urban cities the problem is becoming so acute day by day that the time will come when it will be beyond the scope of the Government to solve it. While taking into account the National issue by the Planning Commission the urban development has also to be taken by giving top priority by the State and Central Governments.

#### **Urban Development and Local Bodies**

The haphazard migration sucked from the countryside has created problems of unprecedented character by the growth in population in the cities. The housing conditions are deplorable, and slums spring up in all the surrounding areas. The urban areas used to be clean have become overcrowded and congested. At some places the density of population has increased from 200 to 1000 persons in one acre. The water supply and sewerage disposal systems have proved inadequate. The other important municipal services like education, medical relief and sanitary standard have proved unequal to the demand and the quality of services have deteriorated.

According to the national sample survey figures the correlation between living conditions will be evident from the following families living in one room or less :

|       |     |
|-------|-----|
| rural | 34% |
| urban | 44% |

The Municipal Corporations have been set up in the larger cities and the main forms of local government in the urban areas are municipal committees. The Municipal bodies have been established in all towns

and cities. The local bodies have been rendered helpless by the pace of urbanisation and difficulties in financial resources. These are some basic problems which are common in all city governments in the matter of population growth. Higher price levels and the consequent increase in the recurring cost of rendering municipal services create difficulties.

The existing position of ineffective working of local government is due to the apathy of common citizens. The cities grow in population and the people dealing in business are expected to play great part in improving the civil affairs. The big problems and affairs of the local bodies are entirely left to the political workers. Though the civic problems of our cities are complex yet they can be solved if a planned approach with appropriate machinery is available.

The problems of housing, provision of municipal services and eradication of slums etc. are not the problems of one city or government. Widespread urbanisation has become a national problem which can be tackled on a country-wide base with full assistance and co-operation of the central and state governments and the local municipal authorities. The magnitude of the problems require a special authority for all India urban development and corresponding State Agencies or Departments. would have to seek and extend cooperation to the rational, state and local housing authorities for solving the inter-dependent problems.

In most European cities there has been new thinking on problems of planned urban development and India can learn much from the achievements of those countries.

### **URBAN DEVELOPMENT AND PLANNING MACHINERY**

The increase in population in several areas of the States is lower than national average of 17.97%. It is in big cities that much higher rates are recorded. In Uttar Pradesh between 1951-61 the increase in population was 9.9% and Kanpur, Lucknow and Agra showed an increase of 37.9%, 33.9% and 38.5% respectively. Bangalore showed an increase of 40.41% and Nagpur 43.33% even though the general rate was half of this. It is a fact that the existing municipal machinery for the proper development according to modern standard is unable to cope with problems created by rapid growth of urban population. The big cities are facing a serious problem and are becoming unmanageable. The cost of providing and maintaining civic services and the desired amenities in large

metropolitan areas are extremely high and beyond the financial scope of the local bodies. The Municipal Corporations of the local bodies cannot afford to attend to this work until the State and Central Governments provide funds for urban development programmes in the annual budgets as special grant to the local bodies for the purpose. This work can successfully be done by a State Town and Country Planning Agency which has to draw plans for industrial location and land use and communications in consultation with the State departments of industries, power and irrigation, public works, technical education and public health. A regular planning of growing rural and urban industrial complexes to relieve pressure on the big urban centres and also to determine the location of satellite towns will have to be made. The Calcutta-Burdwan-Asansol Industrial Belt in West Bengal, Ahmedabad-Baroda Region in Gujarat and Bombay-Poona complex in Maharashtra can be tackled at State Government level.

### Schemes Implementing Agencies

In some of the States attempts have been made to constitute Improvement Trusts under specific acts. Trusts were established in Bombay in 1898, Calcutta in 1911, and U.P. in 1919 etc. The Improvement Trusts carry out the function of preparing improvement schemes, including the land use, land acquisition, redevelopment and disposal. In Delhi in place of the Improvement Trust, Delhi Development Authority has been constituted under the Delhi Development Act, 1957. This is an autonomous statutory body responsible to Delhi Administration.

The population of Class I towns had increased from 27.37% in 1931 to 48.36% in 1961. All the other towns remained stationary or suffered adversely. Out of the 107 class I cities only half the number have more than five lacs of population. There are 101 Districts where not a single town has a population of 20,000 or more out of 330 districts. Majority of the District Headquarter towns has less than 50,000 population. In India the States of Maharashtra, Madras, Gujarat, West Bengal and Mysore are the most industrialised and also the most urbanised States in the country.

### Education in Civic Bodies

Education plays a major part in moulding the nations. It is a well-known fact that imparting education on right lines even to illiterates is the task of UNESCO (United Nations Educational Scientific and Cultural Organization). In 1946 the world popu-

lation was 2,400 million and now it stands at 3,300 million. It is expected that with the present rate of increase it may go to 5,000 million by the year 2000. In the world in 62 countries the adult illiteracy rate is high. There are 750 million adults in the world who cannot read and write.

The world appears to be materially, technically and physiologically equipped to wipe out illiteracy. In India the total number of population is increasing by 12 million every year. One million adults are made literate every year. During the last 19 years of its independence the percentage of literates has doubled in India, but it is a matter of great concern to observe that according to the Education Report 1964-66 of the Ministry of Education\* India was more illiterate in 1961 than in 1951 with an addition of about 26 million illiterates. It has 20 million more illiterates in 1966 than in 1961. This is despite an unprecedented expansion of primary education and literacy drives. The urban population is mostly benefited by the local bodies through the institutions for urban population.

The way in which the present education is imparted has proved to be defective and it requires reforms and drastic changes. The root cause of the present deterioration of society is due to imperfect education, our children who will be the next citizens of the country are getting. These points and the root cause of growing demoralization and lack of civic sense will be dealt with later on.

#### **Liabilities of Local Bodies**

The Ministry of Health and Family Planning is concerned with the urban Local Self-Government including the water supply, public health and sanitation of the local bodies in India. There are 2,030 urban local bodies comprising 25 Municipal Corporations, 1,450 Municipalities, 385 Notified Area Committees, 115 Town Area Committees, and 55 Cantonment Boards. The total population covered by the Corporations is 30% of the total of all the local bodies, and the Municipalities account for 54%. In 1901 only 10.9% of the population of the country resided in urban areas while in 1961 the number has risen to 13%. Under Article 263 of the Constitution of India a Central Council of Local Self-Government was set up in 1954 with the Union Health Minister as Chairman and State Ministers of Local Self-Government as members. The meeting of the Council was held on 19th and 20th April 1956, at Udaipur where

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\* Page 423, Para 17.7.

some important decisions were taken for improving the conditions of local bodies and also to support with finance by the Central Government. In one of the decisions taken by the Council it was resolved that the State Governments should so plan their water supply schemes as to meet the long term requirements of civil defence. In the 'Municipal Corporation Act' there is statutory provision for providing the supply of wholesome water to every part of the area, so that the people living there may get supply for domestic purposes. This is an obligatory function to arrange for this basic amenity. Similarly the local bodies have to make arrangement for the disposal of sewage and sullage by underground drainage.

### **The City to the Nation**

He who makes the city makes the world for though the men may make cities, it is just as true that cities make men. The growth of cities has been one of the greatest factors in the progress of civilization. The local bodies play an important and effective role for assessing the local problems to offer an opportunity to the people for participating in activities connected with the improvement of the conditions within framework of local programmes and national policies.

The following are the obligatory functions of local bodies:—

**1. Public Health and Sanitation of the area for the following items:—**

- (a) To see that the rate payers get wholesome water for drinking purposes and to get the food adulteration prevented.
- (b) To supervise and regulate offensive and dangerous trades where public health is affected.
- (c) Inoculation and public vaccination, prevention and control of contagious, infectious, and dangerous diseases.
- (d) To maintain and regulate places for the disposal of dead bodies, cremation grounds, crematorium and burial places and also dispose of stray dogs and wild animals.
- (e) To clean municipal roads, streets, public places and also to carry out school health programme.
- (f) To collect and dispose of night dirt and rubbish and preparation of compost manures and attending to public latrines, urinals and cleaning of drains, sewers and dumping grounds.

- (g) To arrange to see that all the houses in the city get connections with underground sewer lines, for making the city neat and clean.
- (h) To see that dairies in the city are kept at proper places developed for the purpose under the Urban Development Scheme.
- (i) To stop the practice of cleaning of houses by private and customary sweepers by introducing the Rangoan method of cleaning the private houses and municipal streets simultaneously.
- (j) To arrange for the removal of silt, sweepings and the waste matter from the public places by providing adequate arrangements for sweeping the roads and the streets.

#### **Medical Relief**

To establish and maintain, public hospitals, dispensaries, maternity and child welfare and family planning centres, veterinary hospitals and provision for anti-rabic treatment.

#### **Public Works**

- (a) Construction, maintenance and improvement of public roads, streets, bridges, subways, culverts, causeways etc
- (b) To control and regulate the building activities lighting of public streets, planting of trees on roadside and other public places.
- (c) To construct, maintain cattle pounds and to secure and remove dangerous buildings and places in the area.
- (d) To construct, repair, maintain and attend to places under the civic body as provided in the Act.

#### **Education**

- (a) To establish, maintain, pre-primary and primary schools with all amenities like water, latrines, urinals, electric facilities etc.
- (b) To enforce Compulsory Education Act in order to see that all children of school going age (5 to 11) get proper education.
- (c) To arrange for adult education programme in order to remove illiteracy among men and women.

### **Development**

- (a) Constructing, altering, and maintaining markets, shopping centres, slaughter-houses, baths, washing places, dhobi ghats, drinking water and stand posts, wells, public parks, gardens, water for cattle-troughs etc.
- (b) To arrange for parking places of vehicles, providing play grounds, developing lands for slum evictees, to provide community facilities in new colonies where needed and to make arrangement for night shelters for homeless persons.
- (c) Preparation of comprehensive plans for proper development and growth of the town with modern facilities and to make use of undeveloped plots and open land for public utility purposes.

### **Administrative and General Objects**

- (a) To fulfil obligations imposed upon the civic body under the law and enforcement of rules, regulations and bye-laws etc.
- (b) To protect, maintain and develop the municipal property.
- (c) To name, number and supervise the roads, streets and public places, to remove obstructions, encroachments and projections from public places, roads and streets.
- (d) To safeguard the interest of the municipal employees and their dependents.

There are discretionary functions of the local bodies which have to be taken up with the financial limits of the local authorities. The detailed description will be given in the relevant chapter defining the limitations of the civic bodies.

### **DEVELOPMENT PROGRAMMES AND FINANCIAL ASSISTANCE FROM CENTRAL & STATE GOVERNMENTS**

The Municipal Bodies in India are inter-related units of local governments within the large government framework of the Nation. The local bodies would work in all such common matters which are concern of urban population throughout the nation. It is a common principle that the local authorities are members of community or the whole nation in order to solve their local problems which are common in nature. In this consideration the municipalities are doing great service not only in the interest of the civic bodies alone but also for providing amenities to the inhabitants who are the constituents of democratic country.

The municipal administration in the country has indirect relation with the state and the central government as they have to follow the policies laid down by the government. It is imperative that the national government looks to the problems more especially the financial position of the municipal authorities sympathetically at the National level. This will not only encourage the local bodies in the country but also provide them an opportunity to do justice for all the amenities to the citizens of urban areas. There should be an initiative for national municipal programme along with the needs of the smaller municipalities as with those of big cities.

### **Responsibility of Urban Development**

The urban development is the responsibility of the State Government and the local bodies. The Central Government has also to play an important part on the following lines :—

It can render guidance by formulating a national policy on urban development and to extend the benefit of all the desired information. It has to provide resources for specific urban development schemes. The activities of the State Government should be co-ordinated in the field of urban development. It should also undertake research and investigation in the specific problems of urban administration. In the fitness of things the central government should be directly concerned with the urban territories. There must be administrative machiney for urban development at the central government level. At present there is no unified central agency for the urban development programmes in spite of the fact that there is a great necessity for the purpose. The responsibilities in this direction have been splintered among different ministries and the planning commission. The central health ministry and the ministry of works, housing and urban development have shared the functions of urban development. The planning commission is involved in the administration of financing basic development projects in metropolitan city as Calcutta and also in formulating the scheme for the preparation of master plans for cities and regions. Due to divided responsibilities there is no concentrated effort or singleminded approach and attention to the problems of urban development.

At present the ways in which various schemes for urban facilities are being formulated and implemented by the agencies of the central government are stinling in the way of evolving a coherent urban development policy which prove to be an impediment to inter scheme and inter agency co ordination. It is a matter of great public concern to observe that there is no permanent arrangement for

Ministry of Health and the Ministry of Works, Housing and urban Development to meet and consider problems of common interest and to see that all the activities are fully co-ordinated. It is therefore needed that a unified central ministry for urban development should be created in order to integrate the responsibilities of the Ministry of Works, Housing and Urban Development in respect of urban housing, town and country planning and the work of the urban local government, the urban water supply and urban area sanitation and the urban community development to the Ministry of Health and Family Planning. There must be complete co-ordination between all the authorities and in order to ensure a good co-ordinated approach a permanent body, called Inter Ministerial Committee, be constituted with some representatives from the Ministry of Health and Family Planning, Transport, Railway and the Ministry of Urban Development and the Planning Commission. This would go a long way in achieving the desired objective referred to above.

In order to get the work done with co-ordinated efforts from all the concerned authorities and also to find out a solution how best the programmes can be implemented by the local bodies or other agencies, the following proposals given by Shri Abhijit Datta and Shri Mohit Bhattacharya in their series of study and comments in the centre-state relations in urban development as published by the Indian Institute of Public Administration New Delhi will be of great help :—

“The State Government should set up Inter-departmental committee dealing with finance, local self-government and Public Health Engineering consisting of the representatives of the Departments concerned.”

The small local bodies be included to undertake water supply and sanitation projects by providing suitable subsidies.

The sewerage disposal works are liabilities of local bodies. The Government should give subsidies for sewage projects. The central Government should provide for special subsidised schemes and it should concentrate its activities on such subsidised works leaving the loan schemes on urban housing and other related projects to be financed by other sources like the Life Insurance Corporation and Co-operative Societies.

The schemes relating to the local needs and circumstances should be left to be dealt with by the State Governments. They can do

better if really the Government is interested to promote public interest. The central government should not handle such local schemes where it is not directly concerned.

The Town Planning legislation must come with implementation programmes and the enforcement of the master plans should be a precondition while preparing such a plan for the development and improvement of urban areas.

The urban community development schemes should be implemented through State Government, local bodies and voluntary organisations. The success of the schemes will depend upon the co-operation of the local government agencies. The willing co-operation of local population will create effective co-ordination among the institutions interested in the schemes.

In order to consider whether the development and laying of services lie in the jurisdiction of the local body, the State Government and the Central Government should lay specific statutory provision in the constitution of India. The constitutional position of all the important components of urban development has been specified in Seventh Schedule List II (State List), List III, the concurrent List and List I The Union List of the Indian Constitution. The Water Supply system has been specifically mentioned in the state list even though this is subject to the entry of 56 of union list I relating to Regulation and Development of Inter State Rivers and River valleys. The drainage and sewerage are taken as public health and sanitation under the State list.

There is a great financial drawback to provide for specific provisions in the constitution with a view to have a separate constitutional provision to enable the Union Government to make conditional financial assistance to states for any of their plan projects. A similar provision has been made by the Australian Government under Section 96 of the Commonwealth of Australian Constitution Act 1900 which is as follows:

“During a period of ten years after the establishment of the commonwealth and thereafter until the parliament otherwise provides, the parliament may grant financial assistance to any state on such terms and conditions as the parliament may think fit.”

The spirit of the above provision should be incorporated in Article 262 of the Indian Constitution so as to remove the present weak point for financial assistance to the State Governments.

There should be Legislation like the American Housing Acts which could consolidate various central urban development schemes with financial modes and terms and conditions. This will offer statutory basis for administrative and financial sanction of urban development schemes.

Such a Central Legislation will facilitate the parliamentary scrutiny of plan assistance which otherwise sidetracks open discussion in the parliament

### **Land Acquisition Procedure**

There are great legal difficulties involved in the acquisition of land and the long drawn-out process of land acquisition. The land is acquired by the Authorities in accordance with the Land Acquisition Act of 1894. This is a Central Act for land acquisition. The time consuming procedure for this purpose is the major consideration and unless some simplified procedure is not adopted the work of urban development will suffer. In this connection the committee on urban land policy appointed by the Central councils of Local Self-Government and Town Planning Ministers conference has already submitted helpful proposals but no step has so far been taken to simplify the procedure for the acquisition of land.

### **Compensation Formula of Land Acquisition**

In the dilatory method of acquisition after crossing several stages according to law there is another big hurdle. One has to face the compensation problem. The Supreme Court of India has given a ruling that compensation should be based on the prevailing market value. The prevailing rate of land in urban areas is very exorbitant. In this connection the committee on urban land policy discussed the compensation issue of expediting the procedure and paying the compensation at an early date and considered the feasibility of antidating compensation and the necessity for advance acquisition according to the Report of the Committee of Urban land Policy, Ministry of Health Government of India 1965 page 45. But in the light of the courts possessing powers to question the principles for determination of compensation anti-dating or advance acquisition of the proposed measures may not be of any help. In order to overcome this difficulty central Legislation is necessary to facilitate the creation and operation of State Institutions for urban development.

The setting-up of a Municipal Finance Corporation or a State Housing Finance Corporation is proposed to be established under

central legislation' under article 246 (1) read with entry 43 of the Union List of the Seventh Scheme of the Constitution of India.

### **Boards for Metropolitan Area**

The problems of metropolitan areas are still great. Even the water supply & sewage disposal works have to be dealt with very reluctantly and carelessly. In view of the position prevailing in the big municipal corporations and metropolitan cities there is a necessity of setting up statutory water and sanitation Boards with autonomous character to handle this basic amenity in efficient way. All the bigger municipalities and Corporations should be financed from the Life Insurance Corporation, Finance Corporation, for all the water supply projects.

### **Summary of Problems of Local Bodies**

The legitimate functions of municipal bodies in India can be summarised in short, the proper developments of municipal sanitation for a full blooded enjoyment of civic life. There should be all round extension and expansion of municipal working which in effect improve and brighten every walk of civic life and satisfy all aspects of the needs of the citizens or the tax payers. The main functions of civic Bodies are Public Health, Public Safety, Public Convenience and Public instruction. Practically speaking the civic bodies should have been given more powers to provide real service to the people for the work of watch and ward like the police and all other obligations with regard to public charity which could have infused more life in the municipal bodies and created inspiration among the persons who are socially as well as temperamentally inclined to take interest into the civic Administration with advantage to the citizens and the administration. With this end in view the municipal functions are required to be expanded to create enthusiasm and interest among the intelligentia to achieve the desired object.

### **The Existing Functions of Local Bodies**

The functions prescribed for the civic Bodies under the law are of two kinds, one obligatory or mandatory and the other discretionary and both have been described in the previous chapters. The most important function is to deal with the health of the people of the city. In order to fulfil its obligations for the care of the public health by means of precautionary and preventive measures and also measures of treatments during ailments the municipality is expected to take a great part. The Hospital facilities and the accommodation

have to be extended to the sick persons free of charge. The Nursing Homes, Sanatoriums as well as special hospitals for infectious and incurable diseases must be included in the budgetary provisions to pay special attention to articles of food and drinks. The water supply system is already municipalised and monopolised for providing pure and abundant water for the needs of the people. In such places where the water supply sources are limited and being a natural gift such cities happen to be at the sea shore it is suggested that careful investigations for the possibility of utilising sea water for the day to day needs of the people be explored.

No city can raise its sanitary standard if the underground drainage system is not provided. This comprehensive scheme requires huge amount to carry on the liabilities but to complete the whole obligations and to improve local conditions this step has to be taken. The finances have to be arranged either on subsidised bases from the Government or to attend to the capital works with loan to be arranged on nominal interest. The State Government must come to the rescue of the local bodies to meet their liability for such essential services. The municipal bodies have to depend upon the limited sources of their income as in all the working, profit earning is not the primary aim of municipal institution whose predominant object is to render the maximum amount of service to the citizens by arranging for all the basic amenities to the people. But where the municipal enterprise is capable of earning more revenue without sacrificing the requirements of service to the community, there is every justification to earn such income to meet its obligations.

#### Housing Problems in Cities

The conditions prevailing in big cities necessitate the local bodies to clear the slums and improve density of population to the normal standard of projects of housing reform which rightly fall within the jurisdiction of the city authority. The usurpation of the right of the local bodies for housing reform by the government departments is likely to result in the insupportable extravagance. The housing activities of the city should not be conducted by the local bodies as a matter of policy on profit making principle which can be spared by co-operative associations of the citizens. The private individuals or corporation like employers of labour on a considerable scale may be requisitioned to bear the share of the housing problem within the city area. In order to arrange for the construction of

houses and the projects of improved housing there must be a better layout including the roads and streets, public places, recreation grounds and public parks by means of enforcing building regulations or any other methods for securing proper civic appearance. In all such big projects considerations of economy should be of predominating importance. The civic body has to draft the layout plan after deducting the cost of the town planning department and then dispose of on no-profit no-loss bases the developed plots to the deserving families.

### **Conservancy System**

The collection of household refuse and night soil is a common problem in cities. The heaps of accumulated rubbish have to be cleared and removed by the local bodies with their own arrangement. The collection, removal and proper disposal of the city waste of all kinds and conservancy measures are the responsibilities of the city government or the local municipal council.

In order to improve conditions prevailing in the local bodies in India drastic regulation for public cleanliness have to be made and for a more stringent observation of such conditions the provisions have to be enforced.

### **Urban Development Programme**

The Development schemes in urban areas fall in the State list II of the seventh schedule of the constitution of India and the Central Government has been holding over the state's jurisdiction by way of scheme formulation, financing and participation in administration. The future planning and proper development depends upon the government for improving the lot of city areas. This can only be achieved if finances are made available to the local bodies or the development programmes are undertaken by the state governments. It is a matter of satisfaction that in the five year plans special stress is laid by the Planning Commission for improving the pitiable conditions of the highly congested and slum 'busties' of various municipal areas in the country. The Bombay, Madras, Delhi and Calcutta Corporation areas have a huge problem to solve under the urban development programmes. In fact the local bodies are responsible for attending to the conditions prevailing in urban areas. The trend of migration from rural to urban areas more rapidly than ever before, is causing lot of problems for the urban local bodies.

# 6

## *Special Constitutional Features*

The local bodies are important units of the framework of the government in every State in India. This sphere of practical service can be regarded as a school for democracy or training institution for people. They have become an integral link of national administrative machinery. In order to implement Five-Year Plans the local authorities substantially take charge of the expanding social services of the State government and the importance of developing regional undertakings by these bodies has become imperative. In the planning on democratic lines which the Five-Year Plans envisage, local thinking and local efforts have to be stimulated in order to put up a broad planning base for implementation.

There are several factors which have to be considered while taking up the constitutional and legislative aspect of the working of the big cities and the functions and powers enjoyed under the statutory provisions of law can be the guiding factor for improving the conditions prevailing in our country. If one goes deep into the routine working of the civic bodies in U.S.A. it will show that while dealing with municipal affairs for improving the lot of cities, no political and party affiliations are kept in view. It is only the welfare of the city which comes in the forefront for the deliberative wing to do good towards the improvement of civic conditions of the local bodies.

In the United Kingdom, there is a specialised institution called the Royal Institute of Public Administration, whose investigations by persons interested in local finances in the country are available. A book published by the study group of that institute in 1956 entitled "New Sources of Local Revenue" gives a lot of background on local government finance in Great Britain and certain other countries of Europe. There is no such public institution in India useful for

imparting education on the subject. A body which has been taking interest in the study of the working of local bodies in the country and publishing reports and periodicals is the Institute of Local Self-Government in Bombay. Only recently the Indian Institute of Public Administration, New Delhi has been evincing some interest in the subject. It is considered helpful for the appropriate administration of local governments if politics is not allowed in its working. No politics, in the sphere of municipal administration is claimed to be good since the growth of party politics inside the municipal councils cannot be beneficial to the administration and public welfare.

In its constitution a municipal local authority is a unit of the local government. It is a corporate body having perpetual succession and a common seal with power to acquire and hold property. The essential elements in the legal conception of a local authority are its continuous identity and existence separate from individual municipal councillors composing it. The status of local authorities is determined on the factors of population, its income or special circumstances or its location. Different State Governments have different criteria for determining the status of local authorities. In Bengal, municipalities secure establishment where at least 3/4th of the adult male population is employed and the population is not less than 3,000. In Bihar and Orissa the limit of population is 5,000 and in Bombay 2,000. There are several types of municipalities. The town or city municipality and the less important are Boroughs or Class II municipal committees. There are small-town committees, town committees and notified area committees. It is generally a practice that the urban areas where the population is more than 10,000 and the annual income exceeds Rs. 10,000 its status is raised to municipal committee and where the population is 1,50,000 and the income is more than Rs. 1,50,000 the status is raised to a corporation.

The number of municipal councillors and members of small town and notified area committees are fixed according to the composition by the state governments. In Punjab six councillors are approved for a population of 5,000, up to 7,500 nine, up to 10,000 twelve, up to 15,000 fifteen. In Madras up to 20,000 population sixteen councillors are ordinarily selected ; between 20,000 and 30,000, twenty four ; between 40,000 and 50,000, twenty eight ; 100,000, thirty two, and above thirty six. In municipal corporations the number of councillors is different.

After the franchise had been extended, the number of municipal councillors was fixed as one councillor on an average of 10,000 to 20,000 of the population.

It has been contended that social status, wealth or education are no longer determining factors for entrustment of public weal to the care of those who do not possess them but deserve to be the representatives of the people in real sense. The experience after achieving this object and implementing the same will be discussed in the relevant chapter later.

### The Citizen's Role in Municipal Government

The constitution and working of the municipal government affect considerably the routine living and activities of the people in several ways. The local bodies provide the desired amenities for the public and also the day to day services which are essential for the convenience, better standard of living and welfare of the people living in the city. The effective and efficient performance of municipal services create conditions for the growth of industry and trade and general well-being of the people. In fact, it is the local body if it is well administered which directly concerns the rate payers' problems and the governments whether provincial or central come later. It is therefore in greater interest of the tax payers to realise their responsibilities in order to have interest in the affairs of the local government. The effective and efficient working of municipal bodies and also the standard of services depend not only on the organisational procedures, financial capabilities, tax collection, administrative and technical competence of municipal officers but also the interest, co-operation and understanding of the citizens of the area. The intelligent, civic-minded persons who are conscious of their duties and responsibilities can prove an asset for improving the work of the services and promoting social and economic development with the administration for completing its task and meeting the liabilities with success. In order to build up sound and efficient local administration co-operation of the people is a necessity. The present incompetence and inefficiency has to be attributed towards the indifferent attitude of the public as the citizens do not consider the working of local bodies as their own affair. It is generally considered the work of those who can devote time and energy to set matters right, through willing workers and representatives of the public. There is a general feeling that the enlightened and respectable persons decline to contest election due to sense of frustration and lack of confidence in the capacity of local

body to tackle the problems concerned. The management of the municipal bodies is generally dominated by the group and party politics. This is mainly the reason why the development programmes are delayed or kept pending on account of the considerations of municipal councillors with sectional interest. There is another important factor which is responsible for the failure of municipal administration. There is a heterogeneous character of the urban community. The apathy of citizens is apparently due to a sense of not belonging to the community. Moreover, the population in cities includes those who migrate from rural areas, who are culturally and physiologically different from the urban population. There is lack of civic feelings and education among the people about the institution of the local body which is exclusively meant to serve their interest and day-to-day needs. Any failure on the part of the municipal administration and shortcomings in the working will adversely affect their own interest. The active interest and cooperation of rate payers in the affairs of the local body make the officers and the municipal councillors responsive to the needs and requirements of the people. Their co-operation and active participation in the working can go a long way in contributing to the economic and fiscal spheres. The local body generally provides great opportunities to the citizens to solve problems and promote social and economic developments. The needs and problems of the community lead to the growth of interest in the public which is the function of the local government. Its shortcomings and difficulties can be met with public co-operation. While addressing the first conference of the Local Self-Government Ministers the late Pandit Jawahar Lal Nehru observed as under :—

“Local Self-Government is and must be the basis of any true system of democracy. The democracy may not succeed until it is built on the foundation from below.”

It has been observed that the present day working of local bodies is dominated by party factions and the representatives do not fully devote time and attention to serving the tax payers, as they should. Matters of sanitation, public health, and various essential amenities meant for the conveniences and well-being of the citizens, should not be decided by political controversy.

#### **How to avoid politics in Local Bodies**

It is most unfortunate that the civic elections are fought on political party lines. The local problems are set aside and get

involved in the state and national and sometimes international politics and the real issues are neglected and relegated to the background. This is apparently the reason that the electors select more independent candidates in elections who are selected on non-political slogans. This procedure of non-partisan's elections is a wide-spread practice in the United States of America. In India the political parties can play a good role to keep party politics out of the Panchayat Raj and also out of the working of local bodies. They can chalk out programmes on the basis of integrated civic working for improvement and development of the urban areas. There should be a thorough and intelligent appreciation and understanding of the problems of local administration and urban development. There must be adequate opportunities to the elected members for mutual discussion in shaping the policies of the local administration. In order to improve the conditions and working of the local bodies in the country, it will be a healthy step if the Central Government adopts a programme for holding annual meetings of the Council of Local Self Government consisting of all the ministers holding the Local Self Government portfolios in the State Governments under the chairmanship of the Central Health Minister. This will create an occasion to consider ways and means for improving matters of public interest. So far 12 such annual meetings have been held at different important places in the country. In the eighth meeting of the Central Council of Health a resolution was passed to appoint a special committee for going deep into the present working of the local bodies in India so that ways and means can be adopted to improve the constitutional and administrative structure to get better relations with the state and Central Governments. In pursuance of the resolution of the Council the Central Ministry of Health appointed a committee called The Rural Urban Relationship Committee under Government order No.F 19-13 63-ISG dated the 19th April, 1963 with the following terms and reference :

- (1) Determination of criteria for the demarcation of the urban and rural areas.
- (2) Making recommendations regarding the relationship between the urban local body and the Panchayat Raj institutions.
- (3) Defining the structures and functions of urban local bodies.
- (4) Making recommendations about the lines on which the urban community development work may be undertaken in municipal areas.
- (5) Making recommendations for more efficient and effective functioning of urban local bodies.

The Committee was required to submit its report to the Government of India within six months. The Committee submitted an interim report on item No 4 in 1963 to the Central Ministry of Health. The Committee also submitted its tentative proposals on the structure of municipal corporations and the relationship with the deliberative and the executive wings to the tenth meeting of the Central Council of the Local Self Government and the State Governments and also to the municipal corporations. The All India Council of Mayors also sent recommendations on the proposals. The report submitted by the committee is in three volumes. The Central Council of Local Self Government in its eighth meeting held at Calcutta in November 1962 considered the relevant points and suggested some improvements after due considerations. The All India Council of Mayors in their note had suggested that a city having 5 lakhs or more population should be taken as the base for conversion of local bodies into autonomous civic corporations subject to special growth, industrial development, and commercial importance of the city. It further suggested that all the State Government capitals may be raised to the corporation status irrespective of the population limits. The power of the mayors and deliberative wing in relation to the municipal commissioner as executive head and the administrative machinery was also considered. It was discussed that the powers of the mayor be confined to the leadership of the corporation council presiding over its meetings and guiding delegations and also carrying with him the prestige of the office as the first citizen of the town. The Committee after giving due consideration accepted the recommendations of the executive committee of the All India Council of Mayors on the following points :—

- (a) The Committee agrees that the Mayor should have full access to all records and he should be able to obtain all information and reports on any matter concerning the Corporation from the Commissioner. The present right of the Commissioner to withhold any information on any matter of public importance from the Committee or the Council of the Corporation should remain subject to the final discretion of the Mayor.
- (b) As regards the channel of official correspondence the Committee agrees in principle that the Mayor must be kept informed of the correspondence that passes between the Corporation and the Government and that he should have the opportunity to express his views in whatever matters he

considers it necessary. To achieve these objectives it does not appear necessary that all letters sent by the Municipal Commissioner to the Government should be countersigned by the Mayor. In fact it seems rather odd that the Mayor should be required by law to countersign these letters. The objective of these provisions can be satisfied by requiring the Municipal Commissioner to endorse a copy of the correspondence of the Government to the Mayor who is free to express his views on any matter that he considers necessary directly to the Government or to the Municipal Commissioner.

- (c) In matters of enforcement of the provisions of the Act, Rules and Byelaws including licensing and building control, appeals on the orders of the Municipal Commissioner refusing a sanction should lie before a small Committee consisting of the Mayor as its Chairman and four Chairmen of the various Committees as may be designated by the Council of the Corporation. If an order refusing a sanction is passed by an authority below the level of the Municipal Commissioner, the appeal will lie to the above mentioned committee after the matter has been considered by the Municipal Commissioner and the order passed by the lower authority is upheld by him.

It further suggested arrangement to ensure measures of decentratisation through circle and standing committees with following observations :—

- (1) The city should be divided into a number of circles or Zones varying from 8 to 15 according to the size of the City and Circle. A Circle may cover a population of 50,000 to one lakh which may even be higher for the cities. Each Circle or Zone may have about 8 to 12 Wards electing one member each who should form a Circle Committee to deal with local affairs relating to the Circle. The Circle Committee should elect its own Chairman every year. They shall have the powers to approve all proposals and estimates subject to budget provisions for the Circle.
- (2) There may be Functional Committees for Medical and Public Health, Education, Public Works, Planning and Development, Water Supply and Sewerage and Electricity depending on the requirements of various Corporations. The

strength of a functional committee should be about 10 members and they should be elected for full term of the council, half of them by simple majority and the other half by a system of single transferable vote. The Functional Committees shall have the power to approve all proposals and estimates relating to them, subject to budget provisions.

- (3) There should be a Central Co-ordination and Finance Committee consisting of the Chairmen of Functional Committees and three members elected by the whole Council of the Corporation from among themselves for the full term of the City Council. The Mayor and the Deputy Mayor will be the Chairman and Vice Chairman of this Committee.
- (4) Except for the powers vested in the Municipal Commissioner tenders and allotment of works should be decided by a small Committee consisting of the Mayor, Deputy Mayor, the Chairman of the respective functional Committee concerned and the Municipal Commissioner.
- (5) All the elected members will form the City Council which take broad decisions on policy matters and approve measures of taxation, budget, rules and bylaws. It may also consider periodical progress report and may meet at least once a quarter, if not very often.

#### **Urban Community Development Programmes**

The Rural Urban Relationship Committee after examining various aspects laid down the objectives of the community development of urban areas as follows :—

- (a) Creating a sense of social coherence on the neighbourhood basis through corporate civic action and promoting sense of national integration.
- (b) Developing a sense of belonging to the urban Community through increased participation of people in community affairs and creating of way of thinking which concentrates first on solving problems with their own initiative, organisation, self-help and mutual aid.
- (c) Bringing civic consciousness and by motivating people to improve their conditions of life particularly those affecting social and physical environments.
- (d) Developing local initiative and indentifying and training of local leaders.

- (e) Ensuring fuller utilisation of technical and welfare services by helping the community to locate what help can be had from the municipality or other organisations and how to get it and what assistance and guidance can be obtained from governmental and higher authority and how to approach them.

The special constitutional features for the smooth functioning of the local bodies in the country requires revolutionary changes in the constitutional, administrative, and functional structures that exist at present for the future of the metropolitan councils.

There are several factors in the country for retarding the progress of local self-government and also the working of local bodies. The ignorance of the masses for their rights and duties and indifferent attitude of educated persons are more responsible for less execution of works as desired by the conditions prevailing in the country. In fact the local self-government is looked upon as a democratic concession wrung from autocratic way of working in local bodies.

## THE CONSTITUTIONAL STRUCTURE OF LOCAL BODIES

### The present composition of Local Bodies

The local authority is the proper institution which creates opportunities for intelligent, public spirited and civic-minded people to participate in local activities and community development programmes within the framework of National Policies. They get inspiration for stimulating local initiative and interest, in problems connected with public welfare. The Local Badi.s provide for a training of the citizens in civic matters based upon economic and social planning. The changing conditions from development programmes to the present civic amenities usher new responsibilities upon the urban local bodies for properly urbanising the local areas after meeting the requirements of the citizens. The urban centres create incentives for new industries and the process of industrialisation and economic upliftment lead to increase in the population by attracting people from Rural Areas. This speedy growth of population in urban areas is responsible for shortage in housing accommodation, public utilities and community facilities.

The objects of the Local Government in the context of changing conditions may be as follows :—

- (a) To work as local units of local self Government.

- (b) To provide local services and public conveniences for becoming a good citizen.
- (c) To ensure planned and regulated development of urban areas.
- (d) To mobilise local resources and utilise for public welfare.'
- (e) To promote social, economic and cultural development in an integrated way.

### **CONSTITUTION OF SMALL COMMITTEES**

#### **Business Bye-Laws Municipal Acts**

##### **Part I : General :**

1. Ordinary meetings of the committee shall ordinarily be held on (day of the week and date of the month) at (hour) at (place), but the President or, in his absence, a Vice President, or if no President or Vice President has yet been elected the Secretary may convene an ordinary or special meeting of the committee at any time or place.

(2) When a meeting is to be convened notice thereof shall be sent to every member ordinarily three clear days before the meeting and in any case at least one clear day before such date provided that if a meeting is being convened for the purpose of electing the President or Vice President not less than two clear days notice shall be given and notwithstanding anything contained in byelaws no such election shall be held at any meeting unless such notice has been given.

(2) (a) Every such notice shall state the time, date and place fixed for the meeting, and be signed by the President, a Vice President or the secretary and shall be accompanied by a duly attested list of business hereafter called "the agenda" to be transacted at the meeting.

(3) If it is necessary to adjourn a meeting the Chairman of the meeting shall give notice at the place of meeting, time to which the meeting is adjourned, and notice thereof, shall as soon as possible be sent to every member of the committee not present at the meeting adjourned provided that it shall be lawful for the President or in his absence the Vice President in an emergency to alter with due notice the place, time and date so fixed.

(3) (a) The agenda shall include every matter that any member may desire to put before a meeting; provided that a copy of the motion thereon signed by such member and by a seconder has been delivered to the Secretary of the committee at the committee's office at least seven clear days before the meeting provided further that the

President may for reasons to be recorded in writing, refuse to permit any matter to be placed on the agenda if he considers that the matter is one with which the committee is not concerned or is otherwise not suitable for discussion at a meeting of the committee; provided further that no motion shall be placed on the agenda which raises a question substantially identified with one on which the committee has given a decision within the preceding six months, except in compliance with an order of the Pradesh Government or the Deputy Commissioner or with permission in writing of the President.

3 (b) Any member aggrieved by the refusal of the President to allow any matter to be placed on the agenda may appeal to the Deputy Commissioner whose decision as to whether the matter may be so placed or not shall be final.

3 (c) The files of all cases on the agenda of a meeting shall be made available for inspection in the Secretary's office immediately after the despatch of notices convening a meeting.

4. No business shall be transacted at any meeting of a committee unless at least three members are present; provided that if at any meeting there is no quorum the chairman may adjourn the meeting in accordance with provisions of clause (3) of the bye-laws (2) to a subsequent date, and on such subsequent date the agenda may be disposed of whether quorum is present or not.

5. The proceedings of every meeting shall commence with a motion by the Chairman that the minutes of the previous meeting be confirmed; such minutes shall ordinarily be taken as read, but if for any reason they have not been previously circulated to the members they shall be read before they are taken into consideration and any member who was present in the previous meeting may object to the confirmation of the minutes by moving an amendment on the ground that the matter is not correctly recorded or expressed.

6. The items on the agenda shall then be dealt with in the order in which they appear in the notice; provided that the Chairman with the consent of the majority of the members present, may vary the order to bring before the meeting any matter not included in the agenda.

7. The Chairman shall decide all points or order of procedure and his decision shall be final; whenever he rises to speak, any member speaking shall resume his seat.

8. If more than one member rises to speak at the same time the Chairman shall name the member who is to speak.

9. Member when speaking shall stand and address the Chairman and except on a point of order, or personal explanation. The member speaking shall not be interrupted by any member other than the Chairman.

10. No speech shall be read.

11. So far as possible and consistent with the matter under discussion no member shall direct personal or objectionable remarks at any other member; for the purpose of these bye-laws the ruling of the Chairman shall be final.

12. A member desiring to raise a point of order or make a personal explanation shall rise and address the chairman; the member speaking shall then give way and remain seated until the chairman has decided the point raised; provided that the chairman may permit any other member including the member called to order to speak on the said point.

13. If the meeting refuses to obey the ruling of the chairman on any matter he may adjourn it at once and when he had declared the meeting adjourned on this or any other ground, the subsequent proceedings of the meeting thereof shall be void and shall not appear in the minutes.

14. The Chairman, after calling the attention of the meeting to the conduct of a member who persists in stating or in arguing upon a matter which is, in the opinion of the Chairman irrelevant or in repeating his own arguments or the arguments used by other members, may direct him to discontinue his speech.

15. The Chairman may direct any member, whose conduct is in his opinion grossly disorderly, to withdraw immediately from the meeting and any member ordered to withdraw shall do so forthwith and shall unless recalled by the Chairman absent himself during the remainder of the meeting; the Chairman may cause to be summarily removed any member who disobeys an order to withdraw made under these bye-laws.

16. If any member wishes to move a motion in respect of any item on the agenda he shall read out his motion and if any other member thereupon, seconds, the motion shall be deemed to be before the house and the mover of the motion shall then, if he so desires, speak in support thereof and shall be followed by the seconder of the motion, if such seconder wishes to speak at this stage. If no member seconds a motion which has been moved such motion shall be deemed to have been rejected by the Committee.

17. A member may speak once to each motion, provided that the mover or seconder of a substantive motion may reply at the conclusion of the debate; provided further that the Chairman of the meeting may at any time permit a member who has already spoken to make a brief explanation.

18. After a substantive motion has been proposed and seconded and the mover and seconder have if they so desired, spoken in support, any member may move an amendment and the provisions of bye-laws shall apply to such an amendment as if it were a substantive motion.

19. Any number of amendments may be moved before a meeting at the same time but they shall be put to vote in the reverse order to that in which they were moved and when all the amendments have been disposed of the substantive motion as originally moved or as amended as the case may be shall be put to the vote.

20. Notwithstanding anything contained in bye-law-17 a member who has already spoken to substantive motion may speak on an amendment thereto : provided that in so speaking he shall confine himself strictly to the fresh matter introduced by the amendment.

21. All sub-committees will be authorised to call for reports and records from the office bearers of the committee, just as the committee itself.

22. (i) Proceedings of every meeting of a sub-committee signed by Chairman of the sub-committee shall be included in the agenda of the next meeting of the committee.

(ii) When the proceedings of a sub-committee are being considered by the committee, no discussion shall be permitted of any item in respect of which the sub-committee has passed orders in exercise of a power delegated to it by the committee, or of any item in respect of which the sub-committee has called for a further report or otherwise postponed passing an order or making a recommendation, and any such item shall be recorded merely as 'Read' provided that any member may call in question any order of sub-committee on the ground that it was ultra vires of the Sub-committee, and if the committee considers that such order was ultra vires, it may confirm, modify or cancel such orders.

Provided further that if any member considers that the sub-committee is unduly delaying the decision of any matter in respect of which it has passed or made no recommendations, he may move a motion requiring the sub-committee to pass orders or submit its

recommendations within the fixed period, the committee may itself proceed to pass orders in respect of such matter.

23. Notwithstanding anything to the bye-laws in cases of emergency, the President may direct that any matter may be submitted direct to the committee, if there is no time for it to be submitted first to the sub-committee to which it ought ordinarily to be submitted under the provisions of the bye-laws.

24. No motion or amendment shall be withdrawn except with the consent of the meeting.

25. When a motion or amendment is to be voted on, the Chairman shall read out the motion or amendment and shall request those in favour of the motion to signify their assent and shall thereafter declare whether the motion has been carried or lost and such declaration shall be sufficient warrant for making an entry to that effect in the minutes provided that if as soon as such a declaration has been made a poll is demanded by any number present, a poll shall be taken by show of hands and the result of such poll as declared by the Chairman shall be deemed to be resolution of the committee.

26. Any officer of Government or other person, not being a member of the committee may, with the consent of the majority of the members present at a meeting, address the meeting with reference to any item on the agenda.

27. All the meetings of the committee shall be open to reporters of the press and at the discretion of the Chairman to the public; provided the Chairman may at any time require any reporter or member of the public to withdraw if he considers that such withdrawal is desirable in public interest, and no reporter or member of the public at a meeting shall make any noise or in any way express approval or disapproval of the proceedings of the committee or of any member thereof, and if any person makes any such noise or in any other way interrupts the business of the meeting the Chairman may cause him to be summarily removed from the building in which the meeting is being held.

28. Any member of a sub-committee or any member charged with the performance of any special duty can inspect the papers relating the business of such sub-committee or to such special duty at the Secretary's office during office hours or the papers relating to the agenda of any meeting of which notice has been given and with the permission in writing of the President

or in his absence of the Vice-President, any other document, register or record in respect of which he has submitted in writing an application for permission to inspect.

### **Part II : Sub-Committee**

1. There shall be the following sub-committees, namely ;

- (a) the finance, octroi and taxation sub-committee,
- (b) the works, building and town development sub-committee.

2. The finance, octroi and taxation sub-committee shall consist of the president of the committee, who shall be "ex-officio" chairman of the sub-committee and two members elected by the committee and the secretary of the committee, shall be the ex-officio secretary of this sub-committee

3. The works building and town development sub-committee shall consist of three members elected by the committee and the secretary of the committee shall be ex-officio secretary of this sub-committee.

4. The medical, public health and education sub-committee shall consist of three members elected by the committee and the secretary of the committee shall be ex-officio secretary of this sub-committee.

5. Members of sub-committee shall be elected at a general meeting of the committee as soon as may be after a new committee has been constituted and shall hold office for one year from the date of their election.

6. Subject to the provisions of bye-laws, the members of a sub-committee shall elect one of themselves to be Chairman of the sub-committee, and the Chairman so elected shall preside at the sub-committee ; provided that if he is not able to be present at a meeting the members present shall elect one of themselves to preside at that meeting.

7. Every sub-committee shall meet at least once a month and notice of every meeting shall be sent to each member by the secretary of the sub-committee under the orders of the chairman together with a copy of the agenda to be discussed at the meeting.

8. No business shall be transacted at any meeting of a sub-committee unless two thirds of the members of the sub-committee are present.

9. The proceedings of every sub-committee, so far as may be, conducted in accordance with the bye-laws regulating the procedure of the committee.

10. Nothing in these bye-laws shall be deemed to authorise any sub-committee to exercise any power or perform any function, the exercise or performance of which has been delegated by the committee to any officer or has been vested in any officer by any rule made under the Act as to require that any matter in respect of which any such power or function has been so delegated shall be submitted to a sub-committee.

11. In case of any vacancy on a sub-committee the committee may elect another member to fill up the vacancy for the remaining term of the sub-committee.

12. The decision of a sub-committee shall be in the form of recommendation to the committee except in cases where power to pass orders have been duly delegated to it.

13. A special sub-committee may be formed by the committee to consider a specific matter.

14. The quorum in the case of special sub-committee shall be one-half of its members. In the event of any such sub-committee being adjourned for want of a quorum, the business which have been brought before the meeting if there had been quorum present shall be brought before and transacted at the adjourned meeting, whether there be quorum present or not.

15. Subject to provisions of bye-laws Municipal Act or the rules framed thereunder, the finance, octroi and taxation sub-committee shall be responsible for the preparation of the annual budget of the committee and to it shall submit all matter relating to the imposition, assessment and collection of taxes, the sale or lease of committee's immovable property or immovable property of the Government managed by it, the raising of loans, establishment other than establishment of the notified Area Committee's works, education, medical or public health department and accounts other than special departmental accounts.

16. To the works, building and town development sub-committee shall be submitted all matters relating to committee's works and services under the charge of the committee's engineer, the establishment of the committee's works department, the establishment entertained in connection with other services under the charge of the committee's Engineer, applications for permission to erect or re-erect building, all cases of erection or re-erection of buildings

without sanction or in contravention of sanction, all applications for permission to lay out or make streets, all cases of the laying out or making of streets without sanction in contravention of sanction, all cases connected with encroachments on or over streets, sewers, drains, water courses and all cases relating to development of the town.

17. To the medical, public health and education sub-committee all matters relating to hospitals, dispensaries, registration of vital statistics, conservancy, epidemic diseases, control of food supplies, markets, slaughter houses, sow houses, stables, all matters relating to public health and services under the charge of the Medical Officer of Health in connection with matters relating to schools, reading rooms, libraries and the establishment connected therewith shall be submitted by the concerned Department.

### **Structures of Municipal Corporations**

Every citizen is vitally affected by the activities of the State and the working of the local self-governments. But it has been observed that there is widespread lack of understanding and appreciation to a great extent of the significant role both these units of the Government are expected to play for efficient working. The primary object is to emphasize the importance of the sphere and limitations of the local bodies to the citizens in order to keep interest in them. The real democracy is dependent upon politically active citizens of capability to manage and control government policies and programmes. In this adult suffrage period there is a necessity that electorate appreciate the democratic principles as the voting process is merely a mechanism operating within the context of a pattern of citizen-society-government relationships. This is the first and foremost duty of the government to let the electorate know the part they are required to play. What are their duties, privileges and responsibilities ? What should be the role of individual in the voting process ? This all depends upon the people to determine what sort of government for the administration of local affairs they are going to make. It may be kept in view that tremendous power, responsibility and the will to serve the people vest in the elected representatives of the people who have to carry decisions intelligently.

### **Qualifications of Voters**

The restrictions placed on exercise of suffrage can be considered in the group of (a) adult franchise which means the right of vote to adults, (b) Indian citizenship (must be an Indian national).

(c) a minimum age prescribed to be a voter. (d) the minimum period of residence in the city.

### **Composition and Constitution of Corporations**

The municipal corporation is a Body Corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property. It can sue and be sued. It shall be composed of Municipal Councillors and Aldermen. The members have to be chosen by direct election on the basis of adult franchise from various wards divided in accordance with the provision of the act and the aldermen shall be chosen by the councillors from among persons who are qualified to be councillors but have not contested the election or elected as councillor. The number of the councillors depends upon the population as ascertained at the last census and determined by the Government by notification, in the official gazette. The number of members to be reserved for schedule caste according to their population bearing to the total population of the city. The term of office is generally four years which commences from the date of the publication of the result of the election. The Government thereafter has the option to extend the period for another year by giving specific reasons in the official notification. The office of the councillor or the Alderman who ceases to be member of the corporation continues till the result of the election of his successor is published.

### **Election of Councillors**

In order to elect members, the city has to be divided into wards with single member constituency. The qualification of the person seeking election to the Municipal Body is that he himself is a voter for the election and his name is registered. As such by virtue of the provisions of the constitution and the representation of the people Act, a person shall be disqualified for being chosen as, and for being, a councillor, or as Alderman\*

- (a) If he is declared by the court as a person of unsound mind.
- (b) If he or she is an insolvent.
- (c) If he is not an Indian national or he is not a citizen of India or has acquired the citizenship of a foreign state or is under any acknowledgement of allegiance or adherence to a foreign state.
- (d) If he has been found to have been guilty of :
  - (i) Any corrupt practice.

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\* Section 9 of Delhi Municipal Corporation Act, 1957, pp. 9-10.

- (ii) Any offence punishable under section 171E or section 171F of the Indian Penal Code unless a period of five years has elapsed since the date of the finding or the disqualification has been removed either retrospectively or prospectively by the Government.

If he has been sentenced on conviction by a criminal court to imprisonment for any of the offences referred to in case (d) above or to imprisonment for a term of not less than two years for any other offence unless in each case a period of five years has elapsed since the date of the conviction or the disqualification has been removed.

(1) Any person who at an election fraudulently takes or attempts to take a ballot paper out of a polling station or skilfully aids or abets the doing of any such act, shall be punishable with imprisonment or fine up to Rs. five hundred.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1) such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Provided that when it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub section (1) shall be cognizable.

(e) If he is a returning officer or an assistant returning officer or a presiding officer or a polling officer or any other officer or a clerk employee on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years, or with fine or with both; either retrospectively or prospectively by the government.

(f) If he holds any office of profit under the civic body or the Government.

- (g) If he is a licensed architect, draughtsman, plumber or is a partner of a firm of which a licensed person is a partner.
- (h) If he has any contract made with or any work done for the corporation except as a shareholder (the then a director) in an incorporate company or as a member of a cooperative body.
- (i) If he is working in any capacity or connected with any cause or proceeding in which the corporation or any of the Municipal authorities is interested or concerned.
- (j) If he has been dismissed for corruption or disloyalty to the State unless a period of four years has elapsed since his dismissal or the disqualification has been removed by the Government.
- (k) If he fails to pay any arrears of any kind due on him, otherwise than, as an agent, receiver, trustee or an executor to the Municipal Body within three months after a notice in this behalf has been served upon him

Notwithstanding anything contained in the Act,

- (a) a disqualification under clause (e) of that subsection shall not take effect until three months have elapsed since the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or sentence, until that appeal or petition is disposed of ;
- (b) a person shall not be deemed to have incurred any disqualification under clause (f) or clause (g) of that subsection by reason only of his receiving :—
  - (i) any pension; or
  - (ii) any allowance or facility for serving as the Mayor, or Deputy Mayor or as a councillor or alderman; or
  - (iii) any fee for attendance at meetings of the Delhi Electric Supply Committee or the Delhi Transport Committee or the Delhi Water Supply and Sewage Disposal Committee or any other committee of the Corporation ;
- (c) a person shall not be deemed to have any interest in a contract or work such as is referred to in clause (i) of that sub-section by reason only of his having a share or interest in,
  - (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same ; or

- (ii) any agreement for the loan of money or any security for the payment of money only ; or
- (iii) any newspaper in which any advertisement relating to the affairs of the corporation is inserted ; or
- (iv) the sale to the Corporation or to any municipal authority or any officer or other employee of the Corporation, on behalf of the Corporation of any article in which he regularly trades or the purchase from the Corporation or from any such authority, officer or other employee on behalf of the Corporation, of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work : or
- (v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work ; or
- (vi) any agreement or contract with the corporation or any municipal authority for taking water or electricity or for hiring buses or any other thing which the Corporation may generally supply.

(5) If a person sits or votes as a member of the Corporation when he knows that he is not qualified or that he is disqualified for such membership, he shall be liable in respect of each day on which he so sits or votes to a penalty of three hundred rupees to be recovered as an arrear of tax under this Act.

According to the present provisions there is no condition for any academic qualification for a candidate to contest elections to local bodies. The councillor should be a local elector from the ward he is contesting the seat. He must have connection with the locality in order to extend services to the people as he may be available for contacts even at odd hours. In the course of fighting an election the member elected might have made some promises either personally or through fighting the election as a member of any party with a definite programme and manifesto. It is a matter of honest behaviour that the promises made with electorate may be fulfilled as an obligatory function. The post of Councillor can be regarded as a salaried position. The amount to be paid to the Municipal Councillors may depend upon the size of the city and also to the amount of work entailed like specific administrative burden and other responsibilities imposed.

In all fairness the candidates facing the election contests must show an aptitude towards public service and they must command public spirit and some knowledge in civic matters. The illiterates given privilege on adult franchise basis enjoying the right of vote and a person who is a voter is eligible for contesting elections. The experience has proved beyond doubt that in the conditions laid down for candidates there must be a provision that only those members of the public will have a right to stand for election to municipal bodies or Corporations who had served any Panchayat of a small town or a notified area committee and can read and write. Similarly the qualifications for contesting Assembly and Parliament seat must be provided for those who have already served in any local Body in any capacity. In Municipal Bodies the members are required to pay special attention to all the public demands falling within the purview of the administration. It has been observed that generally cases of favourism and mostly undue advantage of the position of members is taken by the people. The pity is, that even genuine assessment for Taxation purposes are objected to by some people and members are used for evading or reducing taxes in one way or the other.

### Term of Municipal Council

Under the old Municipal Act the term of the Councils after election used to be three years. In some States the Acts have since been recast and the term raised from 3 to 4 or 5 years. In the third Conference of the Municipal Corporations held in 1952 it was recommended that the term of Municipal Corporation should be 5 years. In the fitness of things the elections to local bodies should not be held along with the elections of legislative Bodies as the nature of work and the field of candidates differ considerably and the working of Assemblies and Parliament on political lines shou'd in no case influence the voters in Municipal sphere which is of entirely different nature based upon semi-political and civic nature.

The terms Municipal Council, Municipal Corporation, Municipality, Small Town or notified Area Committee enjoy territorial concepts under different Acts. In the Corporation the Mayor deals with deliberative side to work as presiding officer while in other Bodies in small Committees the President enjoys executive powers. There is a growing trend to entrust the Mayor with powers of the administration of the pattern of Local

**Bodies and Municipal Councils.** In Delhi Municipal Corporation such an enactment has been made to constitute Mayor in Council with two Deputy Mayors to run the Municipal administration like a cabinet system rather than the Committee system. This is a new experiment which if proved successful may be followed by other big Corporations of the country.

### CODE OF ETHICS FOR MEMBERS\*

#### Recommendations by Members

- (i) No member shall recommend for the transfer or cancellation of transfer of any employee to the Commissioner or any Head of Department.
- (ii) No member shall make recommendation to the Commissioner, or any other officer duly authorised in this behalf for the appointment, promotion or demotion of any employee.
- (iii) No member shall recommend to the Commissioner, or any other officer duly authorised in this behalf for the suspension or termination of any employee.
- (iv) No member shall call or contact any employee except the commissioner or the Head of Department for the recommendation or otherwise of any case.
- (v) No member shall recommend any case to the Commissioner or the Head of Department, which is not in conformity with the provisions of the Act and the Bye-laws, Rules and Regulations made thereunder.

#### Inspection of Municipal Institutions

No member shall inspect any of the Municipal Institutions except in the company of the Commissioner; or the Head of the Department concerned and with prior intimation to them.

#### Attendance at Meetings

Every member (except the Mayor) shall sign the attendance register, at the appropriate time, kept for the meetings of the Corporation or its Committees and attend the meeting for at least half an hour. No member shall leave the House without the permission of the Mayor.

\*Prepared by Mr. R.P. Parhi, Secretary, Delhi Municipal Corporation for consideration of the corporation in 1967.

**Rules to be observed while present in the House & while speaking**

- (i) Whilst the House sits a member :
  - (a) shall enter, sit in and leave the House with decorum and shall take and leave his seat after bowing to the chair;
  - (b) shall not come in between the Chair and the member in possession of the floor of the House ;
  - (c) shall not cross the floor of the House ;
  - (d) shall not read any book, newspaper or letter except in connection with the business of the House ; and
  - (e) shall not interrupt any member while speaking by disorderly expression or noises or in any other way so as to disturb the smooth transaction of the business.
- (ii) No member shall make a direct or indirect personal charge against a member, or officer or other employee of the Corporation. A member may, however, criticise the working of any Department under the Corporation or the policies of the Municipal Administration
- (iii) If any member has any allegations against an employee he shall not raise them in the House. The member may, however, send the same in writing to the Commissioner or the Head of the Department concerned with proof that he may have in his possession. In case such allegations are not looked into by the Commissioner or the Head of the Department and an intimation thereof sent to him within a month, he may report the matter to the Mayor for any action that he may deem fit.
- (iv) No member shall raise any discussion in the meeting of the Corporation on any matter, which is not on the agenda, without the prior approval of the Mayor. In cases where such approval has been refused by the Mayor the member shall not ask for the reasons of such refusal or raise the matter in the meeting. He may, however, discuss the matter with the Mayor in his Chamber.
- (v) The Mayor's ruling shall not be challenged, questioned or discussed by any member in the meeting.
- (vi) Whenever the Mayor considers any remarks or words used by any member unparliamentary, derogatory, defamatory or undignified, the member concerned shall withdraw them forthwith when asked to do so by the Mayor.

(vii) If at any time the Mayor rises to speak in the meeting of the Corporation the member speaking or offering to speak shall resume his seat forthwith, and the House must be silent so that the Mayor may be heard without interruption.

(viii) These rules shall also apply to Committee meetings.

#### **Drawal of Members' Allowance**

Every member shall draw allowance admissible to him under the Allowances of Councillors and Aldermen Rules, only for the meetings, he has already attended. He shall in no case take any advance from this account.

#### **Members not to act against Municipal Law**

No member shall do any act in any manner whatsoever, against any of the provisions of the Act, and the Municipal Bye-laws, Rules and Regulations, made thereunder.

#### **Discharge of duties, etc.**

Every member shall keep his conduct above board, shall resist all temptations for illegal gratification, shall not indulge in any corrupt practices and activities prejudicial to the security of the State or the country and shall faithfully discharge the duties entrusted to him under the Act and the Rules and Regulations made thereunder.

Leaving aside the municipal corporations functioning under separate and specific acts in the country there are other local bodies which have different names at different places like the municipal committee, municipal board, city municipality, municipal borough or the borough municipality. This nomenclature creates confusion. There should be a common name of the local body, the Municipal Committee or the Municipal Council. The size of the Municipal Council should not be unwieldy like that of the city council of Moscow, which is the biggest Municipal Corporation in the world. On the other side, municipal working of U.S.A. is different. In U.S.A. the size of the city Council varies from 7 to 20 members.

In Indian Municipal Bodies there are no restrictions in determining the size of the Municipal Corporations or the Municipal Councils. The Bombay Municipal Corporation has the largest number of municipal councillors with 131 members. There is no efficiency in raising the number of members to an extent that it becomes unwieldy to be governed.

### **Constituencies Demarcation**

The constituencies for the proper administration of the Municipal Corporation should be so demarcated as to contain a compact area and the Municipal Corporation should have the specific number of members on the basis of population and area. The total number of members of any Corporation should in no case exceed 100 and the population in the constituency of each member should not be less than 20,000. The term of the office of the councillor Alderman should be 4 years. There should be a single member ward for the purposes of election.

### **Election of Councillors**

The main cause for improper working of local bodies is, that the municipal Government is run by party politicians who primarily work on national party lines. The administration of local bodies is the management of a public trust where the multiplication of technical function exists. The municipality-owned public utilities in the modern urban environments are admittedly the responsibility of technically skilled persons.

The Municipal Corporation is the body corporate and shall be composed of municipal councillors, and aldermen constituted under a specific act. The municipal councillors have to be elected by direct election on the basis of adult franchise from various wards divided in accordance with the provisions of the act. The voters in the election are the persons whose names have been registered by virtue of the provisions of the constitution and the representation of the People Act 1950 as voters to the House of the People. The electoral roll for any parliamentary constituency for the time being in force as relates to the area comprised within a ward shall be deemed to be an electoral roll for that area for the purposes of the Corporation Act.

### **Seats Reserved For Schedule Castes**

The reservation of seats for schedule caste candidates has to be fixed according to the population of that community. The seats so reserved have to be fought by the scheduled caste candidates who are voters for the election. There is no specific academic standard fixed for a candidate to seek election. This applies to all candidates without any caste and creed. A person can be disqualified for being chosen as a councillor or alderman for the municipal body for specific charges.

It is not provided in any law that the candidate must be a literate (who may be able to read and write). This condition should have been there in order to get only those persons as candidates who could have the facility of going through the agenda and the proceedings of the meetings of the local body.

### Alderman

In some Municipal Corporations there is a provision for the selection of a specific number of persons by the members called alderman who enjoy term of the tenure of the body and for all practical purposes they are as good as elected members. This practice exists in order to provide opportunity for serving the municipal authorities for those persons who otherwise did not contest elections but are considered experts and specialists for managing the affairs of the Corporation. This institution also gives representation to ladies and other special interests not already represented. Generally it has become a practice that the selection of alderman is made by the political parties not with a view to get the benefit of the mature experience and the public spirit of some people but entirely on party considerations. This may be the reason that the selection of alderman does not support the cause of the civic body as much as it helps to extend the political support to the parties. After judging the utility of the system, Bombay and Madras Corporations have abolished the selection of aldermen. There are no Aldermen in Ahmedabad, Poona and Hyderabad Municipal Corporations. In these the services of experts like educationists, medical-men, technical engineers and persons of administrative experience may be utilised for making selection from amongst eminent associations in the functional committees. The present working of aldermen has not contributed anything towards the efficient working of the Municipal Corporations, that is why the necessity for selecting them by the elected councillors is not being felt.

The Corporation is headed by the Mayor or the presiding officer who is elected by the councillors, and whose tenure is for one year only. Mayor is the figure head without any executive powers. The chairmen of the statutory or special committees enjoy powers under the act and conventions. The functional committees administered at present under the chairmanship of councillors do not show effective progress in the working. In this connection the All India Mayors Conference has recommended executive powers for the Mayor and that is why the proposed new set-up to have Mayor in council for

the corporation is being experimented. In case this new system under contemplation is successful in Delhi, the same powers may be given to all other Municipal Corporations. In order to improve matters in the day to day working in the Corporations some ways and means have to be found out to make drastic changes in the mode of elections and the methods adopted to demarcate constituencies in a more rational way.

### Representation of Special Interests

The Municipal corporations have been set up in the larger cities. Their functions are generally wider than the Municipal Committees and their powers of taxation are larger than those enjoyed by other local bodies. In a way they enjoy a high degree of autonomy. In Municipal Committees the Presidents enjoy executive powers and the chairmen of the functional committees have a say in the administrative working but in the Municipal Corporations there is a special feature of their organisations. There is a separation of executive from the deliberative or the policy-making functions. The Indian pattern of local self-government owes its origin to the ideas of Sir Ferozeshah Mehta who was regarded as the father of the city Government of Bombay. In 19th century when the Municipal Law was under active consideration Shri Mehta openly preached for certain principles according to his ideology in the following words : -

"The Municipal Council in India is not to administer and govern for which it is radically unfit, but has to fulfil its proper functions to watch and control the executive Government, to throw the light of publicity on all its acts, to compel a full exposition and justification of all of them and if the men who pose the executive, abuse their trust or fulfil it in a manner which conflicts with the deliberate sense of the people to expel them from office". \*

The experience of the working has shown both ways. The reasons for failure of the administrative working does not concern the executive heads as political rather than civic considerations dominate the area of local government. In the deliberative wing tension and instability contribute to create uncertainty of prompt decisions and the matters are delayed and aggravate public issues which demand urgent considerations and decisions. It has often been found that on the floor of the house problems of international importance are discussed more than the matter relating to the interests of

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\* *India's Urban Future*, Article of Shri P. R. Nayak page 382-83

the tax payers. The controversy over major political issues and organisation of linguistic states in the country, the Chinese aggression over India and civil defence problems attract more attention of the councillors than the real issues of civic nature which are directly the concern of the local bodies. The fact is that the democratic principles are being misused by the members and instead of serving the cause for which they have been entrusted with the responsibility by the electorates the real objects are neglected for months together. The heterogeneous and immature electorates are called upon to exercise franchise in political atmosphere created by interested parties totally ignoring the civic programmes, with the result that deserving candidates do not find their way to serve the city with their skill and public spirit.

It is good that nomination of person to the local bodies has been abandoned but the tendency towards special representation by vested interests create position of the local authorities worse in various ways. The representation given to persons of political eminence as aldermen in the Municipal Corporations has proved failure. There should not be any member whether elected or otherwise who may have the impression while dealing with municipal problems that he has to owe allegiance to any political party. The only consideration in his mind should be the service of the city for providing civic amenities within the means of the local body he represents.

The members can do a lot if they attract the co-operation of the people. Some of the present weakness or ineffective programmes of the local bodies are due to indifferent attitude of the people. There are prominent businessmen who can prove asset to the local bodies if they take interest in the civic problems of their towns.

The executive and the deliberative functions of the Municipal Corporations have all along remained separate as the executive officers were responsible for implementation and the deliberative side framed policies for enforcing the programmes of the municipal authorities.

In order to run the Council and the Municipal Corporations effectively it was once considered desirable to give representations to special interests which policy has been given a practical shape and the test has not been proved successful. The special representation was given to women, trade and mercantile associations, educational experts and technicians, Universities and Schedule castes. The new

structure based upon democratic principles has been changed and corporation acts giving proportional representation and reservation for seats for schedule castes have been enacted. In view of the changed constitutional aspects, there seems to be no necessity for any special representation in any local body when even ladies have got equal chances to contest elections. As regards the representation to trade and commerce and other interests, the present is not the time for safeguarding the interests of any special class or community.

### **Statutory Working Programmes**

In the framework of municipal constitutions some principles have been observed to govern and determine the working and functions of departments under the local bodies. Before determining the general functions of municipal organisations the questions to be kept in view on fundamental bases are as follows as defined by Shri K. T. Shah in his book "Constitution, Functions and Finance of Indian Municipalities".\*

- (1) To what extent are the municipal constitutions to be regarded as miniature reproduction of the central constitution in a democratic community with its peculiar co-ordination between the legislative, executive and judicial authorities, relating to the civic authorities.
- (2) To what extent effect be given in the framework of the municipal constitution to deal with the responsibility of the local executive to the local legislative.
- (3) Thirdly how far should municipal constitution be made susceptible, responsive or amenable to the play of party politics.

### **Special Zonal Committee**

The Committee shall exercise the following powers :—\*\*

(1) The power to sanction estimates and plans for works to be carried out in the zone (other than those relating to the Electric Supply, Transport and Water Supply and Sewage Disposal Undertakings) up to Rs. 25,000/- provided that specific provision exists in the budget sanctioned by the Corporation.

(2) The power to inquire into, report or advise upon any matter which the Corporation may refer to them.

\*Page 17.

\*\*Page 198, Members' Guide, Municipal Corporation, Delhi, 1967-68.

(3) The power to require the Commissioner to furnish any report, return, plan, estimate, statement of account or statistics concerning or connected with any matter pertaining to the administration of the Act, or the Municipal government.

(4) The power to consider the report of the Zonal Assistant Commissioner (hereinafter referred to as the "Assistant Commissioner) on cases of disposal of property.

(5) To advise the grants-in-aid Committee in all matters connected with the payment of grants-in-aid to recognized and unrecognised institutions such as schools, hospitals, libraries, reading rooms etc. situated in the Zone.

(6) To review the progress in the fulfilment of the assurances given to the Committee by the Assistant Commissioner from time to time.

(7) Such other powers of the Corporation as may be delegated to them by the Corporation.

#### **Functions**

The committee shall discharge the following functions.

(1) To consider the proposals of the Assistant Commissioner regarding estimates of revenue to be collected and expenditure to be incurred through the Zonal Office under different heads of accounts of budget for onward transmission to the Head Quarters.

(2) To consider monthly statements of receipt.

(3) To consider quarterly progress of collection statements of revenue.

(4) To consider monthly statements of disbursement.

(5) To consider progress report regarding application of building regulation.

(6) To consider proposals for carrying out repairs to services such as streets, drains, sewers, storm water drain etc.

(7) To consider proposals for carrying out original works falling in the following categories, and make recommendations for consideration of the appropriate authority.—

(i) The construction of drains, public latrines, urinals and similar conveniences.

(ii) The construction of works and means for providing supply of water for public and private purposes.

(iii) Establishment of hospitals, dispensaries, maternity and child welfare centres, family planning centres, vaccination, inoculation station etc.

- (iv) Construction of Municipal markets and slaughter houses.
- (v) Construction, alteration and improvements of public streets etc.
- (vi) Establishment of schools.
- (vii) Establishment of public parks, gardens and recreation centres.
- (viii) Establishment of libraries.
- (ix) Establishment of cattle pounds.

### **Administration Zones**

The area under the jurisdiction of the municipal corporation may be divided into such number of administrative zones as may be determined by the municipal corporation. In each zone there shall be a committee consisting of municipal councillors from the wards in that zone. This special zonal committee be held responsible for carrying on the works relating to the zone upto certain limits. All the Departments concerning the maintenance of works and carrying on day to day duties be located in the zone so that the people coming in contact may not be put to any inconvenience.

### **Departmental Working**

There are various departments in the central office to supervise and administer the work of the zones and other matters connected with the corporation and specified under the provisions of the municipal law.

### **Statutory Committees**

There are standing committee, water supply and sewage disposal committee, transport and electric supply committee enjoying the statutory positions in the big municipal corporations. In Bombay; Calcutta, Madras, Delhi and other big places the working of the above statutory bodies deal with the functions entrusted to them by the municipal Acts through statutory provisions.

There are some important departments to carry the works for the welfare and convenience of the people. Briefly the functions and activities of each of the Department in the municipal bodies are defined below which are administered by the respective committees specially constituted whether as statutory bodies, special or ad hoc committees responsible for each department entrusted.

# 7

## *The Working of Local Bodies*

In Indian municipalities there are various authorities to carry on the work of the local bodies. According to the present structure all the powers of a municipal corporation are not embodied or concentrated in any single authority. The commissioner holds the executive power and shall perform all the duties and exercise all the powers specifically imposed or conferred on him. Under the statutory provisions of law the commissioner is given a liberal and handsome measure of specific functions in connection with safeguarding the Public Health of the city and other functions of Primary importance in the Municipal organisation. He is given some discretionary and extraordinary authority in emergencies and has ample margin for the delegation of his authority. This is the position given to him in Bombay, Delhi and Madras while in Calcutta under the latest Act the Mayor of the Corporation or the Deputy Mayor is to enter into contracts on behalf of the Corporation and not the Chief Executive Officer.

The present Act of the Municipal Corporation in the country is based upon the principle of complete bifurcation between the deliberative and the executive functions which was operative during preindependence era. After a study of Municipal Acts it is evident, that there is growing bifurcation between the functions of the two municipal authorities. There seems to be a sense of frustration in the elected element which is not a sound principle for the healthy growth of democracy.

The local government institutions seek to spread the task of public administration more evenly throughout the country and, in the process, enable large resources of human energy and ability to join in the administration of welfare policy. We all believe that a strong and healthy system of local government is absolutely essential to

promote our idea of a Welfare State. It is with this object in view that we have to examine the present working of municipal bodies and make them serve the needs of today and tomorrow.

We are faced with the problem of congestion in the cities, of slums and of pavement dwellers. We cannot shut our eyes to this without endangering public health in our cities. Immediate remedies, as also short term solutions, have to be taken up.

We recognise dangers. We know the solution. But finance comes in the way of putting it through. Local bodies everywhere are finding that they have to depend to a great extent on inelastic and irksome sources of revenue. The welfare services they provide have to be expanded quickly. Their cost is also going up. Our Government is also helping local administrations by sharing through grants-in-aid in the cost of some of the burdens.

These are days of regional planning. The valuable report of the Gadgil Committee and the plan for Greater Bombay are important. They call for a degree of co-ordination between municipal bodies and state Government and the centre. We have the examples of local governments like New York and London which dispense of budgets that are the envy of some States. We do not aspire to such gigantism, but we are really concerned with making our own bodies more responsive to public needs and more efficient in the discharge of their duty.

There is the need for greater co-ordination between municipal bodies and government, the same attention being devoted to examining the question of relationship between municipal bodies and the rate-payers. On the one hand, there is a tendency to enlarge the area of municipal corporations to provide for urban planning to ensure amenities like adequate water supply. On the other, growth in municipal areas tends to increase the distance between the rate-payer and the corporation. The rate payer need not go every time to the corporation office nor need he be baffled by complicated procedure. He should be able to go to a ward office, take this problem to a person in the bureau, be advised by him and then have the matter settled in the ward office. In the long run, this is bound to prove economical and more important, make the rate-payers feel that the corporation is a responsive body.

This sense of "responsiveness" has to be fostered greatly in our local bodies. The late Pherozeshah Mehta, Chitta Ranjan Dass and Satyamoorthy stood up as champions of municipal liberty and lent dignity to municipal policies. The public spirited men look upon municipal bodies for avenues of service.

In view of the financial critical position of the Municipal Corporations it has been assessed that slow working is practically due to the over-expenditure on establishment. There are departments where officers drawing high salaries have not much work to do. There are yard sticks fixed for out-put of work expected from all officers. It is a fact that none had been feeling the responsibility to cut down the super-fluous expenditure on establishment. The taxation can only be justified if on recoveries, the amount spent is not more than 10% of the expected income. There are instances of over-expenditure on establishment taken from the working of different corporations.

In order to provide relief to the tax-payers decentralisation in big municipal corporations has been considered advisable. In this connection scheme for the administrative set-up or zonal set-up has been defined in the previous chapter.

If properly administered the Committee has ample scope for extending service to the public and it can prove more beneficial to the rate-payers.

The Municipal Corporations are governed by the following Acts :—

(a) **List of Municipal Corporation Acts**

| <i>S.No.</i> | <i>Name of the Municipal Corporation</i> | <i>Act.</i>                                     |
|--------------|--|---|
| 1.           | Calicut                                  | Kerala Municipal                                |
| 2.           | Trivandrum                               | Corporation Act, 1964.                          |
| 3.           | Hyderabad                                | Hyderabad Municipal Corporation Act, 1955.      |
| 4.           | Jabulpur                                 |   |
| 5.           | Gwalior                                  |   |
| 6.           | Idore                                    |   |
| 7.           | Ujjain                                   |   |
| 8.           | Madras                                   | Madhya Pradesh Municipal Corporation Act, 1956. |
|              |  | Madras City Municipal Corporation Act, 1919.    |

| <i>S.No.</i> | <i>Name of the Municipal Corporation</i> | <i>Act.</i>  |
|--------------|--|--|
| 9.           | Bombay                                   | Bombay Municipal Corporation Act, 1888.                |
| 10.          | Ahmedabad                                |  |
| 11.          | Nagpur                                   |  |
| 12.          | Poona                                    |  |
| 13.          | Sholapur                                 |  |
| 14.          | Hubbli-Dharwar                           |  |
| 15.          | Bangalore                                | The City of Bangalore Municipal Corporation Act, 1942. |
| 16.          | Calcutta                                 | The Calcutta Municipal Act, 1951.                      |
| 17.          | Chandernagore                            | The Chandernagore Municipal Act, 1955.                 |
| 18.          | Patna                                    | Patna Municipal Corporation Act, 1951.                 |
| 19.          | Allahabad                                |  |
| 20.          | Agra                                     |  |
| 21.          | Kanpur                                   |  |
| 22.          | Varanasi                                 |  |
| 23.          | Lucknow                                  |  |
| 24.          | Delhi.                                   | Delhi Municipal Corporation Act, 1957.                 |

(b) List of Acts Relating to Municipalities

| <i>S No.</i> | <i>State</i>    | <i>Act</i>                                     |
|--------------|-----------------|--|
| 1.           | Andhra Pradesh  | Andhra Pradesh Municipalities Act 1965.        |
| 2.           | Assam           | Assam Municipal Act 1956                       |
| 3.           | Bihar           | Bihar & Orissa Municipal Act 1922.             |
| 4.           | Gujarat         | Gujarat Municipalities Act 1963.               |
| 5.           | Jammu & Kashmir | Jammu & Kashmir Municipal Act 2208 (1951 A.D.) |
| 6.           | Kerala          | Kerala Municipalities Act, 1960.               |
| 7.           | Madhya Pradesh  | Madhya Pradesh Municipalities Act, 1961        |
| 8.           | Madras          | Madras District Municipalities Act, 1920       |
| 9.           | Maharashtra     | Maharashtra Municipalities Act, 1965.          |
| 10.          | Mysore          | Mysore Municipalities Act, 1964.               |
| 11.          | Orissa          | Orissa Municipal Act, 1950.                    |

| <i>S.N.O</i> | <i>State</i>     | <i>Act</i>  |
|--------------|------------------|---|
| 12.          | Punjab           | Punjab Municipal Act, 1911.                                     |
| 13.          | Rajasthan        | Rajasthan Municipal Act, 1959.                                  |
| 14.          | Uttar Pradesh    | U.P. Municipalities Act, 1916                                   |
| 15.          | West Bengal      | Bengal Municipal Act, 1932 and Cooch Behar Municipal Act, 1944. |
| 16.          | Himachal Pradesh | Punjab Municipal Act, 1911.                                     |
| 17.          | Pondicherry      | French Decree of 1880.<br>(as corrected by Decree of 1907)      |

**(c) List of Acts Governing Town Area Committees**

**Notified Area Committees And Cantonments**

**I. Town Area Committees.**

|    |   |  |
|----|---|--|
| 1. | Jammu & Kashmir                                 | The Jammu & Kashmir Town Area Act 2011.  |
| 2. | Kerala (for Guruvayur Township only)            | The Guruvayur Township Act 1961.         |
| 3. | Madhya Pradesh                                  | The Bhopal State Town Area Act 1954.     |
| 4. | Uttar Pradesh                                   | The U.P. Town Area Act 1914.             |
| 5. | West Bengal                                     | The Cooch Bihar Town Committee Act 1903. |
| 6. | Himachal Pradesh<br>(for small Town Committees) | The Punjab Small Towns Act 1921.         |

*Note :* (1) The Town Committees in Assam are notified under the Assam Municipal Act 1956 and are governed by the provisions contained in Chapter XII Sections 334-337 of this Act.

- (2) The Town Panchayats in Mysore are Governed by the provision contained in the Mysore Village Panchayats and Local Boards Act 1959.
- (3) The Town Panchayats in Madras are governed by the provisions contained in the Madras Panchayat Act 1958.
- (4) The Nagar Panchayats in Gujarat are governed by the provisions contained in the Gujarat Panchayats Act 1961.

**2. Notified Area Committees**

These are governed by certain provisions contained in the respective Municipal Acts.

### Suggestions for the smooth working of local bodies

The Municipal Corporations in India have two wings, one is the administrative or the executive wing and the other is deliberative. The deliberative wing consists of representatives of the people elected for laying down broad principles. The policies laid down by the members have to be implemented by the executive. The present set-up does not give any powers to the elected people as after due deliberations their function is over, but it is considered necessary that some changes are required to throw responsibility upon the elected representatives. The present work routed through the functional committees is delayed due to the procedure required to be adopted. The officers complain that execution of the work can be expedited if the committees do not delay the formalities required to be observed. The outlook of the members after they are elected to handle the work and responsibility of the local bodies is to create an atmosphere where the interests of the public and the executive machinery can best be promoted by the mutual co-operation. It is a pity that both the wings are not looking upon each other as the wheels of one and the same cart. After having close contacts with the working and also studying the attitude of the officers and the Municipal Councillors it can be safely calculated that the present way of working is not a healthy performance for the smooth running of Municipal Administration. The members of the Municipal staff are the permanent part of the Administrative machinery and they must adjust themselves with the new set-up in public interest. In small Municipal Committees and also in big Municipal Corporations those persons who are permanent employees of the local bodies consider themselves as servants of the people as mostly they come in contact with all classes of people. The officers who join the Municipal bodies on deputation cannot share their allegiance to their parent bodies and do not also consider themselves as part and parcel of Municipal Administration. They have rather indifferent feelings and a somewhat superiority-complex and they do not try to adjust themselves. There is a necessity for a permanent cadre for the Municipal Staff. This can well be achieved by a separate municipal service commission for appointments on permanent basis.

### The Functions of Municipal Councillors

The mode of the present day municipal elections have not proved suitable to the democratic set-up experienced in India. Democracy is a blessing if it is tried on true principles of the rights of the people.

The members contest elections generally on party tickets and some fight independently. The system could have proved most beneficial, had there been proper education and civic consciousness in the electors to exercise their franchise without any extraneous consideration or caste and group favouritism. The adult franchise has to a great extent been misused. It is most alarming to see that candidates who take pledge to give honorary service to the people for several years are made to spend on elections and secure votes by fair or foul means. Persons of high integrity feel reluctant to come forward for public service in the municipal field when they realise that the people to whom they are going to extend service are not scrupulous in their dealings. Keeping all the facts in view it is evident that the old way of restricted franchise was better in the sense that the qualifications necessitated the enrolment of voters with some literate qualities and social status to realise their duties.

After the Municipal elections the successful candidates are required to observe some rules and regulations. In actual practice debates on the floor of the house are carried out with political and other considerations with little interest in tax-payers.

### Some Points for Consideration

The Municipal Councils must be made a predominantly legislative Body for the city. The Municipal Executive must be co-ordinated with the legislative wing. The principal executive officers should jointly form a sort of Municipal cabinet with the president of the Mayor, as the case may be as its Head. At present the Mayor is only an ornamental head without any power to interfere in the executive working. The Mayor in council as proposed for Delhi Municipal Corporation seems to be the best solution so that he may enjoy the executive powers to get full co-operation and co-ordination of the deliberative and executive wings. In this way the Municipal councillors will also bear the burden and share the responsibility. The present system of different thinking of the officers and the elected representatives of the people has to be bridged in order to make common cause for both the wheels to carry the work to achieve success. The general public is not interested in the internal squables and constitutional demarcations but it desires smooth working and better civic amenities against the tax payers' money paid to the Municipal exchequer.

### **Procedure of Statutory Working in Local Bodies**

In the framework of municipal constitutions some principles are to be observed to govern and determine the working and functions of departments under the local bodies. Before determining the general formations of municipal organisations the questions to be kept in view on fundamental bases are as follows, as defined by Shri R.T. Shah in his book "Constitution, Functions and Finance of Indian Municipalities".\*

- (1) To what extent are the municipal constitutions to be regarded as miniature reproduction of the Central constitution in a democratic community with its peculiar co-ordination between the legislative, executive and judicial authorities, relating to the civic authorities.
- (2) To what extent effect be given in the framework of the municipal constitution to deal with the responsibility of the local executive to the local legislative body
- (3) Thirdly, how far should municipal constitution be made susceptible, responsive or amenable to the play of party politics.

### **Municipal Service in General**

Much of the municipal working depends upon the efficient work put in by the executive officers whose main and the only responsibility is to see that all the items sanctioned for execution are dealt with properly. There are two basic responsibilities of the municipal services i.e. amenability to popular control and administrative efficiency which are inter-dependent. The functions of municipal bodies relate to provide all the desired amenities to underpaid, underfed, ill-housed and ill-clad people swelling the population in cities which add to the havoc of filth and dirt, vice and misery thus creating complicated conditions. It is an admitted fact that in India the attitude of the government with the peculiar constitutional composition and sympathies in relation to the people have contributed to the exclusion of the scope of civic enterprises of some functions which are generally regarded in all the Western cities as the normal business of the cities. In our country the organisation for the protection of life and property is kept wholly outside the scope of municipal activities. The working and functions of the municipal bodies in India are entrusted to statutory adhoc Committees.

\* Chapter III p. 17.

### **Efficiency of Municipal Service**

The Municipal Government can be smoothly administered if the services or the Head of the Department are aware of their responsibilities. The chief causes of incompetence and inefficiency of the Departmental working are lack of control over the staff with the result of corruption, nepotism and favouritism. Sometimes excessive bureaucratization of the city Government results in Public requirements being overlooked or side-tracked by stiff-necked officials and the civic interests are ignored. Such an attitude does not bring credit to the municipal authorities due to the fact that the social contact of the people and the co-operation of public-spirited people is not forthcoming.

### **Competence and Integrity within the Services**

The prerequisite to high morals in the administration is confidence of the rank and file in the competence and integrity of the superior officers like the Departmental Heads. The members of the municipal staff must feel that they are performing very useful functions as they are part and parcel of a responsible body to do some good to the people. The employees are stimulated to see that their officers are not only competent but also are interested in the well-being of the city affairs. If the standard of organisation is lowered the superior officers are not alert to their responsibility and if the standards of personal or official conduct within the department are lost, the subordinate staff cannot be expected to be proud of their employment and do their job. The recruitment rules and promotional procedure and policies have a direct bearing on the morale of employees. There must be incentive to the services to do their best for promoting the cause of the local Bodies. If the head of the department is faithful and considerate the employees attribute these virtues to the organisation as a whole. If the official is unjust, unfriendly, suspicious and unsympathetic the shortcomings are attributed to the whole organisation.

### **Co-operation with Elected Representative**

The great responsibility of the officers is to seek co-operation not only from the municipal councillors but from all the public-spirited and civic-minded persons who come in contact with them in their day to day working. The members of the municipal councils are the selected workers who have been entrusted with the task of handling their civic affairs efficiently. The members are the custodians of the Public finance and other interests of the Public

and the local Bodies. The officers must command the spirit of mutual co-operation and the members have a prior claim for due weightage for their proposals. The officers can succeed in the working only if they consider themselves public servants and not as masters of the public. The civic bodies have to deal with the working where the public is directly affected with their behaviour and dealings. It is observed that a lot of improvement is required in the outlook and behaviour of some of the officers for handling the public utility departments tactfully and skilfully. There is much to be said about improving the administration.

### The Nature of Local Executive in India

Shri K.T. Shah has rightly described\* that the desire for greater degree of responsibility in the Municipal executive is due to the necessity of introducing a real interest in the local self-government working. The doctrine of the responsibility should be confined to the highest executive authority whether he is President to enjoy the executive powers, or the Commissioner as the Chief Executive Officer. The Principal Heads of the important departments are to be regarded as the team in the cabinet to carry out the work smoothly. The main factor for raising the efficiency and the prospects of real self-government on the basis of Municipal administration depends upon the smooth working and co-ordination of both the wings. In India the posts of the Mayor and Deputy Mayor are honorary while in other similar positions the Mayors enjoy powers and status to work more efficiently. Though in some countries also the post of the Mayor is not remunerative yet an allowance is given to the Mayor by way of enabling him to maintain the dignity of his exalted office and contribute towards the expenses of entertainment etc. incidental to that office. The Lord Mayor of London is an example.

In some foreign countries the appointments are made by the Municipal bodies as a symbol of their right as autonomous bodies. In India the conditions are somewhat different as the autonomy for the appointments and removal of Municipal employees is so much restricted that the Municipal administration has been undermined. The State Governments have created a tendency to take over more the local functions in the field of Education, Health and Public works. The Municipalities have to get Executive officers out of the staff which is available with the State and the Central Governments. The first

\* Constitution, Functions and Finance of Indian Municipalities p. 96.

and the second conferences of the Local Self-Government Ministers held in 1948 and 1954 recommended for the creation of state cadre for the Municipal employees which proposal was supported by the Central Council of Local Self-Government in 1956, 1959 and 1960. The Council and the Fourth conference of Ministers of Town and Country Planning held in 1963 adopted a resolution as follows :—

“The conference have considered the need for improving the efficiency and standard of municipal services reiterate its recommendations to all the State Governments to provincialise administrative Health, Engineering and Town Planning Services of the local bodies for better administration.”

In fairness the Municipal services have to be organised into proper cadres, enjoy prestige and compete with Public services of the State and Central Governments in attracting suitable candidates. It should be better if the principle is adopted for the formation of State-wide cadre for certain categories which will give advantage of providing a chance for transferability. Some of the State Governments have already passed legislation for providing State cadres for the Municipal staff and the legal provisions have yet to be implemented. The State Governments of Rajasthan, Madhya Pradesh, Mysore, Punjab, Maharashtra and U.P. have taken some steps by enacting necessary legislation. The Rajasthan State Government has not only taken steps for the superior services but also for the subordinate services including the class IV employees of the local bodies.

#### **Appointment of the Commissioner**

The selection and appointment of the Chief Executive Officer or the Commissioner of the Municipal Corporations in India is made by the State Governments concerned while in Delhi the appointment of the Commissioner is made by the Government of India. He is drawn from the Public Service i.e. either out of the Indian Civil Services or the Indian Administrative Services. The larger city Corporations like Bombay, Calcutta, Madras and Delhi have generally Indian Civil Services Officers or other highly placed men as their Commissioner. The Municipal Commissioner holds office for a term of five years in Calcutta and Delhi but in Bombay and Madras the term is only three years.

#### **Powers and Functions**

The Commissioner being the Executive Head enjoys those powers which are prescribed under Corporation Act and also those

delegated by the Municipal Corporation or the Council, Standing Committee or any other appropriate authority.

### Schedule of posts and appointment of officers

The Municipal Corporation shall appoint the suitable persons and officers of a status on such terms and conditions and on such monthly salary and allowances as may be fixed. The Municipal Engineer, The Education Officer, the Health Officer, the Chief Accountant, the Municipal Secretary and the Municipal Chief Auditor are appointed with the consultation of Public Service Commission, subject to the approval of the Government. The other schedule of posts of minimum salary of not less than Rs.350 and also less than Rs.350 is prepared and laid before the Corporation and the same has to be considered and sanctioned along with other budget proposals by the Municipal Corporation.

According to the conditions prevailing in the local Bodies appointments of not more than Rs.250/- are made by the Commissioner and the powers of appointing officers and other employees whose minimum salary per month (exclusive of allowances) is less than three hundred and fifty rupees vest in the Standing Committee of the Corporation.

### Competitive Municipal Service

There seems to be a justification for introducing some kind of open competitive examination for the recruitment of municipal services for the discharge of municipal duties which will dispense with any approach for canvassing and favouritism. In foreign countries some of the Governments adopt this method for an organised municipal service examination. All the cities of New York and Massachusetts have an open competitive examination for their local municipal services. In Germany also the city is governed by experts who devote their career to such a calling. The students prepare themselves for city administration as they do for law, medicine or any other profession. They take special courses in the Universities or Technical schools in Law, Finance, Engineering, Town Planning, Education and Sanitation. On graduation they compete for a Municipal post and enter in the post of city council. Their promotion depends on their performance.

The question for improving the working of the Indian Civic administration was fully examined by the Rural Urban Relationship Committee about the state-wise cadre of the Municipal staff and

recommended that\* types of Posts and Services to be included in State Cadres which are to be considered feasible for improving efficiency in the Municipal administration. The Committee considered the matter whether the State Cadre should cover only the superior posts or should include the subordinate posts also and have come to the conclusion that the posts of executive officer, secretaries, revenue officers and accounts officer, Municipal Engineer, Town Planning Officer should be filled from the State cadre. The committee has suggested that it will be more convenient and advantageous to have a combined integrated service in technical side of the posts. The committee also was of the opinion that it is better to have a separate unified cadre of municipal officers as it is necessary to classify administrative and revenue posts to such requirements of the local bodies.

### MUNICIPAL PUBLIC SERVICE COMMISSION

There exist a Municipal Public Service Commission in Ceylon which deals with all matters relating to recruitment and personnel management of certain categories of municipal employees. This commission in Ceylon combines the advisory functions of the Public Services Commissions and the administrative functions of the State Departments. In our country any public service commission of the type may require legislation but under the law it may not have the status and authority of public service commission set up under the provisions of the constitution. The Indian constitution provides for the setting up of independent State Public Service Commission. This question requires deep thinking whether such a Commission exclusively for the local bodies in the State can function with the local legislation by the State Government. The whole question of appointment, general administrative control and other matters has to be examined afresh. Moreover there is a necessity for the establishment of Central Training Institute as well as the State Government Institutes to undertake courses of Training for various categories of municipal staff and to organise seminars for officials. The Central Institute can take up the advanced courses of administration for technical officer, special courses for instructors working for Training Institutes and Universities and refresher course for senior officers of local bodies.

All the Heads of Departments in the Municipal Service should be regarded as collectively constituting the Executive authority of the

local bodies. If the doctrine of Municipal Home rule is to be realised then it is of great importance that the officers should be accountable to the municipal council that they are part and parcel of the municipal council to enable them to guide and influence the council on policy and decisions affecting the departments under them. There should be a disqualification for the executive and administrative officers: if any officer who has directly or indirectly any share or interest in any contract with, by or on behalf of the Corporation other than as a Municipal officer or servant, deserve disqualification from Municipal Service.

The Calcutta Municipal Act goes to this extent that if any officer becomes so indebted his office may be declared to be vacant.\*

In view of the above the local executive has a great responsibility for the smooth and efficient running of the municipal administration. Amenability to popular control is necessary otherwise the aspirations of the people will be incapable of realisation. The public can only appreciate the performance if the officers enjoy the benefit of social and public spirit to handle things with cooperation and confidence of the municipal council.

### **The Working of Municipal Corporations in the Country**

The local self-government is inherent in a democratic set-up and the local bodies are basic schools for imparting education and training to the citizens in democracy and democratic way of working. In a country like India where democracy is bound to succeed through Panchayati Raj in the rural areas, and the local municipal bodies in urban areas a great improvement is in evidence in all spheres of life. Prior to independence the conditions of villages and small towns were bad but today more attention is being paid for improving the standard of sanitation, pure drinking water, basic amenities of life, primary education, connection of areas with roads and streets which benefits had long been refused to the village people under the foreign rule.

Due to growing industrialisation there seems to be a constant influx of rural people to urban areas, which is the cause of the increase in the population of the cities. This haphazard increase in the population of urban areas has increased the responsibilities to cater to their basic needs and municipal amenities which require very

\* Calcutta Municipal Corporation Act, 1923, Sec. 51.

serious attention of the State Government for checking day to day deterioration. The vital importance of local self-government in the living of the citizens has been recognised by the Government. Keeping in view the liabilities of the local bodies and reorganising and strengthening the municipal administration it was mentioned in the Third Five-Year plan that :—

"At the local level municipal administration alone can undertake satisfactorily the task of providing the services needed for development in urban areas, expansion of housing and improvement of living conditions. Most administrations are not strong enough to carry out these functions. They should be sufficiently strengthened by increasing their resources and personnel and by enlarging their jurisdictions and functions. The lack of working is due to the paucity of financial resources available and the difficulties experienced by the urban local bodies in maintaining the essential service satisfactorily."

### **Municipal Corporation and Executive Functions**

There are wings and wheels of the institution of Corporation, the deliberative and the executive. If both the wheels move smoothly the work of implementing the decisions taken by the corporations after the deliberation can successfully be enforced. The executive and deliberative wings cannot be considered in isolation from other aspects of municipal organisation and administration.

In order to improve the finances of the Corporations it is necessary that adequate sources of income are placed at the disposal of Municipal Corporations. In this connection the Taxation Enquiry Commission Report 1954\* after applying its mind and deeply studying the pros and cons has suggested the following sources to increase revenue of the Corporations :

- (i) Taxes on lands and buildings.
- (ii) Towns duty or Octroi.
- (iii) Taxes on vehicles others than those mechanically propelled.
- (iv) Taxes on animals.
- (v) Taxes on profession, trades, callings and employments.
- (vi) Taxes on advertisements, other than published in newspapers.
- (vii) Theatre Tax or Show Tax.

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\* Page 382

- (viii) Duty on transfer of immovable property (to be levied along with the stamp duty collected by Government).
- (ix) Taxes on goods and passengers carried by road and inland waterways as a complementary levy by those local bodies for whose benefit the Terminal Tax on goods or passengers carried by Railway, sea or air are levied by Union Government.

The above proposals were considered by the All India Council of Mayors keeping in view the financial position of local bodies like the Municipal Corporations which remain practically stagnate with increasing responsibilities for catering to growing urban problems. The points which are primarily the sources to be tackled by local authorities or appropriated by the State Governments should be passed on to the Corporations.

#### **EXECUTIVE FUNCTIONS OF THE CORPORATIONS**

Previous to the formation of Municipal Corporations the executive authorities under various Municipal Acts vested in the Presidents of the Municipal Committees. Under Section 39 of the Punjab Municipal Act of 1911 all the powers lie on the executive head and in that capacity and in the capacity of the President as well as leader of the elected representatives he controls the deliberative side also. Some laws were passed which avoid any clash with the executive department. In the Municipal Corporation Acts in various places like Bombay, Calcutta, Madras and Delhi the functions and powers of the Mayor and the Chief Executive Officer have been defined and the elected representatives as Municipal Councillors have nothing to do with the working of the executive department which is placed under the charge of the Commissioner. Separation of politics from administration is the characteristic feature. The Legislative functions belong to the elected bodies and the administration both by statutory definition and by Council Delegation is the field of action of Government, Municipal Commissioner. The entire executive powers for the purpose of carrying out the provisions of the Act vests in the Commissioner. The Municipal Commissioner has been declared as one of the municipal authorities by the Act of Parliament. While observing the day to day working of the Chief Administrator it has been marked that the elected bodies do not see eye to eye with what the Commissioner does or acts using his discretionary powers while implementing the decisions of the Municipal Councils.

Some people argue that the Chairman or President of a smaller Municipality who is entrusted with the executive powers is much

more susceptible to local pressures (political or otherwise) than the Government appointed whole-time professional administrator. This argument has failed where small-town committees work smoothly and efficiently than many of the bodies governed by the executive officers. This system applies to the bigger Municipal Corporations also where dual control creates misunderstandings and disorderly scenes. In the Municipal Corporations there are two categories of powers and functions of the Commissioner : (a) those prescribed by the Corporation Act under statutory provision, (b) those delegated by the Municipal Council Standing Committee or any other proper authority. In the exercise of his powers and the performance of his duties and functions under the Act, the Commissioner conforms to rules as may be made by the Corporation relating to the matters in respect of such powers, duties and functions.

### OBSERVATIONS ABOUT THE WORKING

There is a difference of opinion whether the pattern changed from the working of old Municipal Acts where Presidents of the Municipal Committees enjoyed all the executive powers and the pattern of Bombay Corporation Act which was ultimately made applicable to Calcutta, Madras and Delhi Corporations worked successfully. The author has seen the working both and is of the view that the Municipal councillors are elected representatives of the people on adult franchise basis and they are directly responsible to the electors for proper execution of the municipal work. The Mayor is the elected head of the Body who commands confidence of the Corporation. Following are some observations for the effective working of the Corporations :—

1. After the election the Corporations are over, the party securing largest number of seats should elect its leader called the Mayor, who will work as the Chief Executive Head of the Corporation.
2. This party leader should choose his colleagues for carrying out the responsibilities of various departments of the Corporation. The number of such colleagues should be equivalent to the number of departments of administration created in each Corporation.
3. The present departmental heads will work as the Secretaries to these Departments.

4. The Executive Head will be fully responsible for the working of his departments and the implementation of various schemes of his departments and he will be responsible for giving information and answers to the General Body.
5. The Executive Head will be fully responsible for the working of his departments and the implementation of various schemes of his departments and he will be responsible for giving information and answers to the General Body.
6. As these Executive Heads will be full-time office bearers, they will have to be paid adequate remuneration and other facilities.
7. The term of such Council will be for four years. The party or the group of parties securing less number of seats will work as party in opposition and will be provided with all such facilities as are given to party in opposition in Legislative Assemblies.
8. The Municipal Commissioner will be the Chief Secretary to the Council and his appointment will be made by Government for a period of five years.
9. The Chief Secretary will be assisted by such number of Deputy Secretaries as will be decided by the Corporation from time to time.
10. The Municipal Secretary will be responsible for the working of the Special and General Body meetings and similar other Committees of the Corporation as at present.

The nature of work in big municipal corporations demands that in all the metropolitan cities the administrative work be divided between the Municipal Corporations and several other departments of the Governments. The civic problems are the concern of the Municipal Agencies connected with the Corporations. The dual administrative system in a city creates problems which embarrass the people in more than one way.

In big cities with administration of the pattern of metropolitan government the civic affairs and the administrative working becomes easier and uniform. The police authorities in big cities are completely detached from the civic authorities even though the working of both the departments requires cooperation. The unauthorised occupation of municipal roads and public places by squatters have to

be cleared with the help of the police force and similar other duties have to be performed by the municipal staff. The corporation must have a hand in maintaining law and order in the city which for mutual benefits if, properly coordinated, is adopted for the welfare of the citizens.

# 8

## *Connection with and Liabilities of Local Government*

Keeping the position of all the Municipal Corporations in the country in view the All India Mayors Council in its meeting held on 30th July 1964 at Hyderabad unanimously submitted a memorandum to the Fourth Finance Commission for augmenting the financial resources of municipal corporations in India. The memorandum runs as follows :—

Providing sufficient funds to the Municipal Corporations to enable them to discharge their functions efficiently is a vital necessity which has been recognised but woefully neglected. There was a time when certain specified taxes were separately reserved under the Scheduled Taxes which could be levied only by the local Bodies. Under the Government of India Act 1935 the reservation of certain taxes being leviable by local Bodies alone has been granted are given as such.

- (a) Taxes on professions, trades, callings and employments.
  - (b) Taxes on advertisements other than advertisements published in the newspapers.
  - (c) Theatre tax or show tax.
  - (d) Duty on transfer of immovable property (levied along with the stamp duty collected by the Government).
  - (e) Taxes on goods and passengers carried by roads or inland waterways as a complementary levy of those local bodies for whose benefit the terminal taxes on goods or passengers carried by Railway or Seas or Air are levied by Union Government.
- In addition to the above, the Commission had also made the following recommendations :

- (i) Financial assistance to local bodies in the form of graded subsidies to be provided in five-year plan towards meeting capital cost of long deferred project of water supply, drainage, slum clearance, etc., to enable them to cope with the ever increasing debt charges on loans to be floated therefor.
- (ii) The State Government should ensure the devolution of suitable taxes on local bodies so as to avoid the transference of unsuitable ones. Overlapping and unco-ordinated tax jurisdiction should be avoided.
- (iii) As a method of financing local bodies, grant-in-aid should be preferred to assignments of shares to taxes, the proceeds from Motor Vehicle Tax and land revenue, however, should be shared. Not less than one fourth of proceeds from the Motor Vehicles Tax should be distributed to the local bodies especially Municipalities and District Boards. Likewise, not less than 15 per cent of land revenue should be distributed to the village panchayats and rural boards. The State Government should adopt a system of grant-in-aid for the local bodies on certain fundamental principles, the grant-in aid being assured for a reasonable period.
- (iv) Municipalities and other local bodies should be given every encouragement to develop and expand their non-tax sources of revenue such as revenue from public undertaking of a commercial nature such as Tramways and Buses or distribution of Electricity. State Government should not take over public utility services from the Municipalities concerned.
- (v) An element of progression in rates may be adopted by Municipal Corporations and the bigger Municipalities as a part of rate structure of the property tax. In such cases, total exemptions should be limited. The minimum rate should be adequately high and correctives should be provided to prevent the imposition of unduly high rates on industrial housing, co-operative housing, etc.
- (vi) All Port Trust properties may be assessed to Municipal properties taxes at a percentage of the gross earnings of the Port Trust as in Madras, since that is a simple and easy method to co-operate. The basic percentage for assessment may be four but provision should be made for

increasing or decreasing it by, say, a quarter per cent for every per cent of the general increase or reduction effected in the rate of the tax in respect of other properties.

- (vii) In the case of the Railway properties and other properties of the Central Government, used for commercial or semi-commercial or industrial purposes, i.e. Posts and Telegraphs, the Central Government should pay to the local bodies contributions equal to the amount which would have been paid had the general and service taxes been levied in full. Necessary legislation should be passed by the Parliament to authorise such payments. In respect of other properties of Central Government, the principle recently adopted by the Central Government for making payments in respect of service charges with effect from 1st April 1954 may be followed but the principles should be liberally interpreted and applied.
- (viii) In all States, service taxes should be collected even in respect of properties exempted from the general property tax.
- (ix) Betterment levies in connection with the improvement of the Town Planning schemes, while designed to recover not less than the cost of the project should also aim at recovering from the beneficiaries not less than 50% of the actual increase in value subsequent to the scheme. Recommendations of the P.E.C. in regard to transfer of some of the taxes enumerated above and provision of finance to the Municipal Corporations are indeed very modest. It is a pity that in spite of repeated demands made by the Mayors in India at various conferences with unanimous resolutions these modest recommendations have not yet been implemented and the corporations have been expected to work efficiently with crippling finances. Apart from non-implementation of these recommendations, there have been instances where the state governments have of late even encroached upon the legitimate taxes of the local nature and recommended for being exclusively tapped by local authorities. For example, even though property tax is regarded universally as a local tax certain State Governments have levied and continue to levy urban immovable property tax and realise for the State Exchequer

revenue which should legitimately go to the local authorities Education cess is levied by the Bombay Municipal Corporation ; the State Government has levied a parallel tax also called Education Cess and realisation therefrom goes to the State Exchequer notwithstanding the fact that the State Government has not yet considered the demand of the Corporation to give adequate grant-in-aid for the primary education entrusted to its care. Tax on motor vehicles in several states is collected by the State Government and only a portion thereof is passed on to the local authorities and when the State Government has refused to concede to the request of the Corporation, even a portion, the Corporation has been forced to levy other tax on vehicles, thus entailing two parallel taxes on the vehicles.

Grant-in-aid Codes for systematization and regulation of payment of grant for specific purposes by the State Government to the local bodies have not been framed by the State Governments though the T.E.C. had adumbrated such a measure. Thus the financial position of local bodies like the Corporation has remained stagnant and with increasing responsibilities of catering to growing urban communities had become precarious.

The All India Council of Mayors is of the emphatic view that the following financial resources which are primarily the sources to be tackled by local authorities but are appropriated by State Government, should be immediately passed on to the Corporations :

- (i) **A share in the betting tax :** This tax has a restricted aspect and most of this revenue comes out of the cities. It is thus essentially a local tax and the Kale Committee have also recommended the transfer of this source to the local bodies.
- (ii) **Share in the Entertainment Tax :** The Council have noted with satisfaction Ministerial Sub-Committee of the Central Council of Local Self-Government, recently recommended to the Union Health Ministry for the transfer of the proceeds of this tax to the Municipal Corporations, though in the largest cities, to begin with, it is based on at 25% slab. The Council hopes that within a period of four years hereafter the full share of this tax would be made over

- to all the corporations in India as at present available to corporation in Mysore and Madras States.
- (iii) **A share in the Duty on Electricity :** A major part of the income from this source is derived from city limits. Kale Committee had recommended that local bodies should be given 50% of the net proceeds.
  - (iv) **A share on the Duty on Petrol** (falling under the purview of Union Government) : Out of the proceeds of this duty the Central Government makes a grant to the State Governments for road improvement purposes. Most of this revenue comes from the city limits.
  - (v) **Proceeds from the tax on the transfer of immovable properties levied along with the Stamp Duty :** The Kale Committee had stated that the appreciation in the value of properties transferred are in a great measure due to improvements carried out by local bodies, and, therefore, a share from the proceeds of this tax should be handed over to the local bodies, wherever it is not yet given.
  - (vi) **A share in the sales Tax on Spirits and Spiritus Articles :** Sales Tax is essentially a local tax. The levy on articles consumed in the city should, therefore, go to the local bodies.
  - (vii) **A share of Registration and license fees on Motor Vehicles :** The I.I. Committee had pointed out that these fees exceed the cost of administration and to that extent impinge on the Municipal sources of Revenue from the Wheel Tax.
  - (viii) The proceeds of the Tax on Road Transport levied as a State Tax ; Local Finance Enquiry Committee (1949) also have recommended that this tax should go to the local bodies. Even at the risk of repetition it may be pointed out that the sources of income available to most of the Corporations are few and restricted, and, the demands for additional funds are heavy which cannot be met without substantial additional sources of revenue to the Corporations. If the present state of Municipal Finance continues, it will be well nigh impossible to maintain the existing standard of services, much less to improve and augment the various services and amenities. To prevent such a situation and further deterioration, it is imperative that each Corporation should have a minimum additional income increasing at least at the rate of 20% for the next five years.

The following projects and such other schemes, which are almost common features and problems to be faced by the various metropolitan cities in the country should be looked upon as national schemes and the Government should subsidise and/or give adequate financial assistance to the Corporation :—

(1) **The Development plan for Corporation Areas :** For example the total estimated outlay during next 20 years of the plan prepared by the Bombay Municipal Corporation and submitted to the State Government for their sanction will alone involve a capital outlay of Rs. 700 crores. It would be impossible for Corporation to bear this burden from its existing resources without adequate financial aid or resources. Same will be the case with other corporations in India. The problem, therefore, is whether the Corporations should stagnate or should undertake Development Projects for the improvement of urban community life.

(2) **Slum Clearance :** Due to rapid industrialisation during the post-independence era, there has been constant flow of population to urban areas. This has created slums wherever housing activity has been out of control due to inadequate financial assistance from Government. It may be noted that housing is the responsibility of the Corporation and it is required to ensure health and safety of people living in slums. In order to ease the situation the State and the Union Governments should enhance the subsidy amounts for clearing the slums, so that the poor class resident of the Slums can be provided decent living at a rent which they can afford.

(3) **Water Supply, Sewerage and Drainage :** With the advent of industrialisation the urban areas experience a sudden spate in the influx of rural population from all over the country. As such, the problem of satisfying the normal primary needs of the people viz., supply of potable water, is baffling solution and the civic authorities have to tap every avenue available to fulfil the requirements of the city. To cite the example of Bombay, the Municipal Corporation have sanctioned a Master Plan for distribution of water supply in the city at an estimated cost of about Rs. 10 crores. It is, therefore, urgent that the Finance Commission will favourably consider and recommend that the State Government should share at least 50% expenditure on Master Plans prepared and executed by the Corporations on their water supply project.

(4) **School Buildings and Primary Education :** In order to achieve the objectives enshrined in Articles 40 & 45 of our Constitution with respect to providing free and compulsory primary

education to school-going children between 6 to 14 years, the Corporations spend annually substantial amounts for maintenance of schools as well as an additional amount on the cost of construction of school building. The State Government should, therefore, bear the full expenditure on primary education by giving grant-in-aid on an accepted formula as done in the case of several Corporations in the State.

The Corporations would find it difficult to ably withstand the financial burden for executing the plans for opening of new Hospitals, Maternity Homes, Dispensaries, Vaccination Stations, etc., providing Gardens and Open Spaces, providing additional Fire Stations, opening of new markets and shopping centres, establishment of Industrial Estates, providing Swimming Pools, Museums, Libraries and providing housing accommodation for poorer classes.

In view of the facts stated above, Government should help the Corporations to meet their needs. Apart from the claims of the Corporation to share the revenues mentioned in the foregoing paragraphs, there is the further claim from the assignment of Income Tax to the State Government which is progressively growing in every State. Besides, State Government also receive an assignment of Estate Duty. As the bulk of income from these sources in each State is collected mostly from the Corporation areas, it would be reasonable if the State Government pass on a fair portion thereof to the Corporation.

The connection of local bodies with the State Governments is very deep and inter-connected which if properly considered and acted upon can create better understanding and smooth working for municipal administration and the administration of the State Governments. There is difference of the size, standard and outlook of big municipal corporations and the small local bodies like panchayats for villages, small-town committees and notified area committees. The great cities are distinguished from other towns either by reason of constitution or because of relations with the State and the Union Governments.

It was suggested by the Taxation Enquiry Commission that it would not be possible for the local bodies to raise all the amounts as desired to meet with the civic liabilities by way of taxation and that a well-drafted grant-in-aid code would be a great necessity to supplement the financial resources of the local authorities. In respect of big municipal corporations special grants for specific purpose and a scope for taxation in big cities controlled by municipal corporations is wider and substantial income can be raised by local taxation. But

in respect of small municipalities and local bodies a special grant for general purposes is required to play a major part for meeting with the day to day growing liabilities. It is a matter of great concern to observe that the State Governments have not implemented the above proposals even in the case of expenditure on education and community development programmes. The Government has recognised the fact that the urban communities living in areas controlled by municipal corporations are a great vocal force in the democratic set-up and are playing a great role in the industrial and commercial development for advancement of the country. The municipal corporations are expected to play a major part to provide the basic amenities to the citizens in order to make a living in urban areas quite comfortable. The provision of civic amenities mainly depends upon the sources which are available for developing their services. In order to provide desired amenities like the adequate supply of wholesome water, proper roads and streets, underground and surface drainage system, medical and public health provisions, primary compulsory education, sanitation and conservancy systems, the development on standard designs will have to plan the services and the provisions of amenities for anticipated population growth as well. The municipal bodies find it difficult to withstand the financial burden for implementing and executing the plans they have to share.

In view of the above liabilities the State Governments should extend the desired help to meet the needs of the local bodies. The bulk of income by the State Governments is derived from the urban population. It would be reasonable if the State Governments pass on a good portion of such income to the municipal corporations as are generally in the capitals of the State Government. They have special responsibilities to discharge and are required to discharge their duties for providing and maintaining high standard of amenities which entail additional revenue and is considered absolutely necessary to cope with the growing expenditure for meeting great liabilities.

In fact during the British period the underlying motive was to hold the local bodies responsible for collecting additional taxes and thus relieve the Provincial and the Central Governments of their financial liabilities. In 1919 the Montague Chelmsford reforms announced some liberal attitude of great concession for education.

In order to set things right there must be occasional direct consultations between State Government and the local authorities to

provide timely and proper assistance and guidance. This is considered an utmost necessity that an organised directorate at state level with inspecting staff will prove effective for necessary directions, supervision and control over the local bodies.

### **Causes of Backwardness of The Municipalities in India**

The way in which the people have dealt with the local bodies in India does not bring credit to the smooth functioning of municipal administration. The social and political groups have not developed emotional attachment with the local problems. Their allegiance was rather to the caste and religious interests than towards the community and local considerations with the result that there was never meaningful interaction between various groups for solving the civic problems.

The directive principles of the Constitution lay down that "The State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life." The local governments in urban areas have to look after the usual functions to the civic interests and also for promoting social and economic development.

There are two-fold aspects of dealing with the problem of local self-government, the growth and development on the one hand and consolidation and reorganisation on the other. It is a problem for the urban and rural sectors which is more connected with the village panchayats and district parishes. The question of planning, reconstruction, national extension and development is the main concern of the state governments to proceed with the execution of rural projects whether carrying small or big programmes. The conditions of the rural areas have been well defined in the observation of the Government of Mysore which are applicable to the position of the rural areas generally.\*

"Contrary to expectations, it is a matter of genuine regret that the village panchayats have not shown signs of healthy development in spite of all the interest taken by Government. The reasons for this unfortunate trend require careful analysis. May be it is possible due to lack of sufficient interest taken by the villagers and also to some organisational defects. In recent years there has been a remarkable tendency in the people all the

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\*Taxation Enquiry Commission Report, Vol. III, p. 353.

State overt of a steady migration of the more hard working and intelligent persons and labourers from the rural areas to the urban. The cost of living has increased. The necessities of civilised existence have increased and the scope which the village offers for a steady and gainful employment and a satisfactory living under the present conditions is inadequate. There has been a considerable development of trade and industry in the urban areas. The urban area not only offers gainful employment but attracts persons by the various amenities it offers. These factors have caused a steady and unceasing flow from the rural to the urban areas, and is the most phenomenal development in the last decade which may have very far reaching effects on the entire social and economic pattern of the country."

Keeping all the factors in view the State Governments and also the Panchayat Commission examined the question of promoting the establishment of village panchayats and investing them with functions and powers for doing some useful work. The following functions were enumerated :

1. To chalk out programme for production for the village.
2. To prepare budgets of requirements for the local needs and sources to meet financial liabilities.
3. To act as a source of getting financial assistance from the Government other than the assistance given by the co-operatives for improvement of village.
4. In order to increase production in the village the standard of cultivation may be fixed in order to add to the well being of the village population.
5. To bring all the land lying waste in the village under plough.
6. To arrange voluntary labour for community works.
7. To assist the administration for implementing the land reform measures.

In some States there are obligatory and optional functions to be performed, by the village panchayats under specific statutory provisions. In all the states the functions of panchayats cover a wide sphere of the normal municipal functions. The functions of co-operative societies are different from that of the village panchayats. They are also required to perform some important functions for improving the environmental and hygienic conditions of village areas.

In order to improve the conditions of villages and small towns the State Governments adopt ways and means and also legislative measures through Panchayat Raj.

The Panchayat Raj Act was enforced in the majority of the State Governments. Under this system statutory bodies with elected representatives of the people at village, block taluk or at district levels are entrusted with the responsibilities for planning, desired improvement and necessary implementation of development programmes. In some States the collection of land revenues has been entrusted to the Panchayati Raj Bodies. The new system prevalent at the lower level is so conducive to progressive devolution of powers and authorities to the village panchayats that some work on democratic lines has begun to be started in various directions. The democratic decentralisation that has been ushered by the Panchayat Raj system is confined to the rural areas in the country which will have an impact on the urban local bodies also. Due consideration has to be given for providing an organic link between the urban local bodies and the Panchayat Raj institutions so that their activities may be co-ordinated at the block and district levels. In our country the conditions are altogether different from those prevailing in other advanced countries. The United States started the development programmes with the advantage of immigrant population from Europe who had the knowledge of some basic techniques and technologies which were necessary for the development of a new country. In India the development programme has been started with a large agriculture, poor and illiterate population who are ill prepared to cope with the modern problems of building a prosperous agricultural or industry whether high or small. India is a large country and as such the problems are cropping up daily mainly due to the fact that the amount of land available is not so abundant as to meet the requirements of large agricultural population and the yield is among the lowest in the world. The people being poor and innocent cannot accumulate adequate savings to invest in industrial or other enterprises. The national income or the sources of the country have to cope with the survival of the huge population to make investment for the progress and prosperity of the country as a whole. The population of India has multiple languages and many religious groups. In order to keep pace with the world progress India is struggling hard and the government and the people are very keen to raise the living standards and general well-being. The standard of education requires concentrated attention of all the organisations and institutions to supplement the

government's efforts. Our country ranked lower in literacy than any other heavily populated country of the world except Indonesia and Pakistan. In circulation of newspapers which seems to be the best medium for imparting civic education to the people, India has only 8 in 1000 of inhabitants as compared with Ghana (15), Southern Rhodesia (16), Bolivia (23) and Vietnam (9).

In order to achieve success in the implementation of community development programmes the officially initiated Panchayat Raj is an avowed move in the direction of decentralising programme and administration. It will encourage good development methods and will go a long way in diluting the dominance of bureaucratic administration.

The planning of community development programme depends upon the senior administrative officials and the block development officer who have experience in the subject. It is an established fact that ever since the inception of community development programme in 1952 it was confined to improve the rural areas. In order to delimit the country into Community Development Blocks, cities with population of less than 1,00,000 are taken into consideration. In actual practice the small towns and municipalities, notified area committees and small town committees have remained outside the ambit of the community development programme. In order to implement the programmes, it is essential that the urban areas may be properly defined and demarcated for improvement purpose. The State Governments examined this issue in detail and the body appointed by the Government of India in its report of the Rural Urban Relationship Committee has suggested that the constitution of the local bodies in the rural and urban areas may be on the following lines:

(a) A village Panchayat may be constituted for a population exceeding 5,000 with economic viability, geographical and social considerations.

(b) Nagar Panchayat may be constituted for a population between 5000 and 20000 into two categories—class I and class II. Such Panchayats may not require elaborate administrative machinery.

(c) Special panchayats may be constituted for special territorial limits irrespective of population and are like those coming under notified area committee, town committee, township (industrial and railway) committee, sanitary committee. Such special panchayats are required for the development of specified areas which have certain Special Characteristic features.

**PANCHAYAT RAJ SYSTEM IN URBAN AREAS**

In big cities which have large population and good revenue, there is justification for decentralising the existing administrative set up. In such areas where density of population is high it is necessary to devise a set-up which may provide for a closer association of the people with the administrative machinery for efficient discharging of functions and obligatory duties by the civic bodies. There may be ward-wise committees in advisory capacities which may be entrusted with specific responsibilities for implementing the programmes.

## 9

## *The Duties and Functions of Deliberative Wing*

The flexibility in the organisation of municipal constitution varies in different countries. In America which is regarded as the home of modern democracy, the growth of imperialistic tendencies has brought out revolution in the constitution and working of municipal organisation. In order to avoid big city problems all the countries are embarking on programme of industrial decentralisation. In the western nations there is a far reaching attempt at decentralisation which has proved to be successful in creating new centres of industry. In Great Britain the planning of new towns since the war are satellite towns between the metropolitan regions. In United States the central planning determines industrial locations by giving priority for decentralisation of big cities. In U.S.S.R. by virtue of centralised planning and ownership it has been able to carry out centralisation on a continental scale. Its programme has been remarkably effective in slowing the growth of Moscow, the capital city of the country and promoting the smaller cities. The population of Moscow is now four times the population of 1921. It is over six million at present. It increased in population 20 per cent while the small cities with population of 2 to 5 lakhs grew 63 percent and those between 5 lakhs to one millions grew 48 per cent between 1939 to 1959.

The position of the Indian big cities is more appalling. Cities like Bombay, Madras, Delhi and Calcutta have their own problems. Some areas in the limits of the municipal corporations are like perpetual hell. The city of Calcutta was founded by the traders of the British East India Company in 1690 around a nucleus of Hooghly river villages in the Ganges Delta some 70 miles inland from the Bay of Bengal. It was a seat of the British Government upto 1912. (Calcutta is the largest city of the country). Some 30 lakhs of people live within 40 sq. miles and over 70 lakhs live in 400 square miles of the Calcutta metropolitan District. In the midst of the city the

traffic situation is so appalling that on an average about 5 lakh pedestrians and 30,000 vehicles cross the Howrah Bridge daily.

Similarly in Bombay city the congestion has grown to such an extent that though Bombay Corporation is considered to be an efficient municipal institution yet the slum busties have cropped in to create problems for the civic body. In Delhi which is the capital city of the country the multiplication of population has grown to such a high pitch that it has become unmanageable for the civic body to manage the affairs successfully. More than one lakh people visit Delhi daily in one way or the other and it is estimated that a similar number leave Delhi by rail and road. This becomes an obligatory function of the corporation to make arrangement for necessary amenities to the floating population leaving aside the usual civic affairs to be dealt with by the Municipal Authorities. Keeping all the above facts in view the deliberative side of the local bodies has to perform some obligations in serving the cause of the Tax payers. The deliberative side is constituted by the elected members who are responsible to the people for safeguarding the interests of the electors who expect good performance from their elected representatives. It has been observed that there are a few conscientious workers who stick to their manifestos and the public commitments during the election. The electors have expectations from their spokesman. He must be a man of integrity and consider himself a trustee or the custodian of public revenues. He must be a literate person to understand the language of the Agenda and other relevant literature concerning the local body he represents. He must have zeal for pleading the cause of the people who come in contact with them in one way or the other. He is required to spare time for attending to the people in order to redress their grievances. He should keep himself available to the people even at odd hours for attending to their day to day complaints. Above all he should consider himself a link between the administration and the public. It has happened at occasions that the municipal staff when required to perform unpleasant duties like removing temporary encroachments the interested parties come in open clash with the staff and the members of the staff have nobody to support them while performing duties within the limit of law and acting under orders of the officers. Whereas in the public the atmosphere seems to be unfavourable, there the municipal councillor must come to the rescue of the staff performing the duties for the betterment of the public at large. There are instances that the elected members come in contact with the staff and use abusive language just to please the

interested and affected persons and scold the staff on the spot to get cheap popularity.

Lastly the members are expected to work for the local body as well where he has joined after taking an oath of office in the following language : -

"I ..... having been elected a Councillor of the municipal corporation of ..... do swear in the name of God or solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter".

If any person who sits or votes as a councillor or as an Alderman before he has complied with the above oath he shall be liable in respect of each day on which he so sits or votes to a penalty of Rs 3/- to be recovered as an arrear of tax under the municipal Act. The Municipal Councillors are obliged to safeguard the legitimate rights of the civic body they are representing as members. Just as there are obligations for the member so there are obligations of the Mayor, Deputy Mayor, Chairman of Statutory, Special and Ad-hoc Committees. The Mayor has to look after the interests of all the tax payers and of the local bodies. In each Corporation there are several Committees to work within their sphere. These Committees take decisions independently within their own delegated powers and in cases where approval of the Corporation is necessary their reports are submitted to the Corporation whose resolutions are then sent back for implementation. The Committees are expected to inspect institutions and other works to offer suggestions by passing resolutions after due deliberations for improvement of the working. The most important among the Committees is the Standing Committee which is one of the authority of the Corporation. In view of its statutory status and well-defined powers it operates to the items to be dealt with by the Parent Body. Any action taken by the Commissioner under the Municipal Act in an emergency has to be reported immediately to the Standing Committee. Due to the infrequent meetings of the Corporation the Parent Body cannot keep itself in touch with the day to day administration but the Standing Committee which meets frequently has powers to carry on the routine work and in actual practice the items are implemented as a matter of course without obtaining any prior approval of the Municipal Corporation.

## THE COMMISSIONER AND THE COUNCIL

The relation between the Commissioner, an Executive Head and the Municipal Council is that of a Principal and its agents although his powers for the purpose of carrying out the work under the provisions of the Act authorise him to amicably get things done. The Corporation Act entrusts him into the entire executive powers for the purpose of carrying out the provisions of the Act or of any other law which imposes any duty or confers any powers on the Corporation. The Council is authorised to restrict or prescribe the manner of the exercise of such powers.

In all the meetings of the Corporation the Commissioner is required to answer all the administrative questions put by the municipal councillors. His participation in the meetings is in effect in the nature of guidance to the councillors and he has to keep in view the administrative aspect while the matters are under discussion.

The Executive and the Deliberative wings can function smoothly if there is a feeling of co-operation and co-ordination. The appointment of the Commissioner is made by the State Government while in Delhi the Commissioner is appointed by the Central Government. He is drawn from the highest echelon of the public service though it is not the statutory obligation on the part of the Government to make selection of the Commissioner from the public service or from the official cadre. Logically it was necessary to require that the executive officer should necessarily be a Government official. Any competent man with administrative experience who had not been or was no longer in Government service can be appointed to the post. The Commissioner of the City Corporation as its executive Head is provided with a broad-based statutory foundation in respect of his status, position and functions.

## THE DUTIES AND FUNCTIONS OF DELIBERATIVE WING

The Corporation as constituted under the Municipal Act form the city Government and is collectively responsible for municipal administration and for the exercise of all the legislative powers authorised by law. There is a characteristic feature for the local Body about separation of politics from the Municipal Administration in Government and public interest.

There are obligatory and discretionary functions granted by the statutory provisions of the Municipal Act for the corporations or the local Bodies. The elected representatives are responsible to

confine themselves for providing amenities to the people within the limited sources of the local Body.

The big Corporations are expected to provide open spaces, removal of slums or redevelopment of congested abadies, better standard of education, medical relief and public health programmes, Community Halls, maternity and child welfare centres and other measures for public welfare. It is imperative for the deliberative wing to improve the conditions of the city in every possible way.

The major problem facing local bodies struggling to provide increased amenities to fast growing urban population is of adequate finance. The local bodies are at present greatly handicapped on account of want of adequate financial resources. Moreover, the cost of municipal services has been mounting on account of rise in prices of material and wages. The Central and State Governments are reluctant to increase the grants and the taxable capacity of the people has been well nigh exhausted.

The fast pace of urbanisation is raising tremendous problems. The vast number of people who migrated to cities were rehabilitated without proper planning and scores of colonies sprang up in farflung areas. Old De'hi is one of the most densely populated cities in India. The problem of the slum is a national one but the slums of Delhi have attracted nation-wide attention. One of the major difficulties in the way of the expeditious execution of slum schemes is that the executive wing has been vested with no powers. Dilatoriness of the procedure of acquisition of land is a real handicap. The Executive should have adequate powers with, of course, proper safe-guards if the problem is to be solved within a reasonable period, for the slum dwellers cannot wait indefinitely for an improvement in their living conditions. The Government is giving loans but the interest is very heavy.

From the little experience of the working of Corporations it is evident that until the representatives of the people are given powers, the municipal democracy will not make much headway. Certain provisions in the Corporation Acts, are un-democratic and have led to a lack of much-desired co-ordination between the deliberative and the executive wings.

In view of the above the only way for improving the lot of local bodies is to improve finances. The deliberative wing can function better if the present Acts are tuned to increase the powers

of the elected representatives so as to enable them to perform their duties more efficiently.

#### **The Nature of Nominated and Official Members.**

Under the democratic working the voice of the people is supreme. The municipal council serves as a link between the citizens and the municipal administration. The city government is constituted with elected representatives and the city councillors have an additional check on the administrative process through their capacity to confirm or reject the executive decisions keeping in view the interests of the people. It may be said while considering about representation for the civic bodies that only the elected element can improve matters considerably. There used to be special representation in the civic bodies, particularly the big corporations established in the metropolitan cities having university campus in its jurisdiction, it has a sphere of activity quite different from the working of municipal councils of the city. It was agreed that by giving representation to special interests like University, Chamber of Commerce, Medical Council and Associations of Tax Payers and other interests the Municipal Corporation will gain in efficiency if some of the works are entrusted to the specialised body. As for example the University will gain in utility if it takes over the functions of educational institutions and discharge its duties in the departments of Primary, Secondary or Higher Education which are otherwise not the part of the University activities. Such a system of nominating the representatives of special interests operated for a long time but after the change in the set-up and constitutional structures this way of giving special representation to experts or specialists has considerably changed and has been practically abandoned.

In some of the Municipal Corporations in India there is a statutory provision for indirect election of special councillors called aldermen who enjoy all the privileges of elected municipal councillors. Whether this system of associating eminent persons, experts and specialists with the management of local affairs or giving representation to special interests or women not already represented in the elected councillors has proved successful or not is a matter of controversy.

It can be safely assumed that in actual practice this system of giving representation by indirect election has not proved successful. It is a pity that the present day selection of Aldermen is made on party consideration and are chosen through proportionate repres-

tations by the political parties having interest in the numerical strength of the councils. Keeping in view the working of the Corporation with the addition of aldermen some of the municipal corporations like Bombay and Madras have dispensed with the selection of Aldermen in the councils.

The Corporations of Hyderabad, Poona and Ahmedabad do not have Aldermen in the councils as they do not consider any necessity for having people in their fold by indirect way.

The system prevailing in some of the corporations or civic bodies for Aldermen may be abolished, although associating specialists is always desirable.

#### **Formation of Statutory Special and Ad-hoc committees.**

The committee system of municipal administration in India is working on the lines of English model. The actual working of the Municipal bodies in the country is conducted on well-defined lines. The municipal council usually divides itself into several committees, according to the number of members and nature of functions discharged by the municipality. According to the functions defined for each of the committee the strength of members and the definition of duties have to be defined according to the nature of work in each municipal authority. The committees are composed of the municipal councillors and they have the charge of the administration as entrusted to them under the Act. The actual service for the municipality is rendered by officers working under the general supervision of these committees.

There are three kinds of committees generally constituted to carry on the municipal work. (i) The statutory committees (ii) Special Committees (iii) Ad hoc committees. Out of these committees a general managing committee, i.e the Standing Committee of the Corporation is the most important authority to meet regularly and to carry on the routine work. This committee is invested with the power of supervising the executive business of the corporation including finance. The strength and the power of the standing committee varies in different Corporations.

There are other statutory committees like the Electric Supply Committee, the Transport Committee and the Water Supply and Sewage Disposal Committee. These committees like the Standing Committees enjoy powers to run the administration of their respective departments as statutory bodies.

### **Special Committees.**

The Municipal Corporations adopt general rules and procedure for the special committees. All matters falling within the purview of a committee will be routed to the Corporation or the Standing Committee as the case may be through the special committee. The urgent matters may be placed before the Corporation or the standing committee directly also. A member of the Corporation who is also a member of one of the Statutory Committees may not be a member of more than one special committees ; and no other member of the Corporation may be a member of more than two special Committees.

The members of the special committees and Chairman and Vice Chairman will be elected in accordance with the provision of the procedure of conduct of business regulations :

The special committees shall report its proceedings for confirmation to the Corporation except in cases where the Corporation has delegated to the Committee the powers of final disposal in specialised matters.

The matters or proposals involving amendment of the Municipal Act, Rules, Regulations and bye-laws shall be submitted by the special Committee to the Corporation through the law and general purposes committee which is also a special committee.

The following are the special committees formed for day to day work : the Works Committee, Medical Relief and Public Health Committee, the Law and General Purposes Committee, Assurance Committee and the Education Committee. Besides, it has been provided that to facilitate the work for the people, the city may be divided into zones. For running the day to day work in the zones special zonal committees have to be constituted, consisting of all the elected members of the wards falling in that zone.

The zonal committees exercise the following powers :—

In case provision exists in the Budget the Committee is empowered to sanction estimates and plans for works to be carried out in the zone and to act according to the policy laid down by the Corporation. The Assistant Commissioner is incharge of the executive working of the zone who is responsible for all practical purposes.

### **Ad-hoc Committees**

It is the option of the Corporation to constitute as many special and ad hoc Committees as it thinks fit for the exercise of any power

or discharge of any function which the corporation may by resolution delegate to them or for inquiring into, reporting or advising upon any matter which the Corporation may refer to them.'

The bigger Municipal Corporations like Bombay, Calcutta, Madras and Delhi have their metropolitan regions which include urban and rural areas also. In view of this a rural area committee is also constituted consisting of members elected from the wards situated within the rural areas.

The Rural area committee has the duty to make recommendations in relation to the functions of the Corporation which may be discharged within the rural areas and also matters of developments and schemes affecting the rural areas. The question of new taxes proposed to be levied and expenditure that may be incurred in those areas may have to be routed through rural area committee for the discharge of such duties and functions as may be assigned to it by resolution of the corporation or by regulations made under the Act.

#### **Education Committee**

The Education Committee has got its own importance for attending to the work of education department. There are some non-official members also included in this committee and those members are supposed to be educationists. The non-official members are also entitled to get daily allowance for attending a meeting of the Committee.

#### **Works Committee**

This committee deals with all matters connected with the department of the municipal engineer other than water supply and sewage disposal. The Committee has been entrusted with the work of implementation of the sanctioned items for maintenance and construction of the roads, buildings, footpaths and other works connected with the engineering department.

#### **Medical Relief and Public Health Committee.**

It deals with all matters connected with medical relief and public health and sanitation.

#### **Law and General Purposes Committee**

It has to deal with all matters connected with the interpretation and amendment of the municipal corporation act and other acts and rules regulations and bye-laws of the Corporation, the election and

other concerned work, the legal interpretation of assessment and collective matters and other issues falling within the purview of any other special committee.

#### **Assurance Committee**

It has to review the progress in the fulfilment by the executive wing, of the assurances given to the House by the Chief Executive Officer or the Commissioner from time to time and ensure the implementation of the various resolutions passed by the Corporation.

The Municipal Corporation is the Corporate body with all the powers to acquire, hold and dispose of the property under the Corporation act. It shall be composed of the elected councillors and aldermen who shall be chosen by the councillors from among persons who are qualified to be councillors but are not councillors themselves. The councillors and aldermen shall be entitled to receive daily allowance fixed by the rules for attending the meeting of the Corporation and other Committees constituted by the House.

#### **The Administrative Improvements\***

The right sort of organisation of the local government in the larger cities is related to the strain of work generated by growing population in the cities. In case population growth is not checked it will become more complicated for all the future tasks and social engineering. There is a close relationship between the urbanisation and economic development. The largest cities and towns in India have tended to grow fastest and have more industry expanding in and around the municipal areas. The Indian urban areas have become highly congested and the social amenities are quite inadequate to meet with the growing needs. In order to cope with the situation the Government is doing its utmost to fix the density of population by preparing master plan for the purpose.

In Delhi the master plan has been enforced under Delhi Development Act 1957 and steps are being taken to shift the Industrial Undertakings. The Government and Civil authorities have to join hands to discover methods of contacting, informing and creating interests in citizens for planning and development of the cities. The local organisations, neighbourhood group and citizens cooperation have to be arranged by carefully thought-out programme of public relations. There is a very huge task and in order to achieve the object the atmosphere has to be created for active co-operation of the elected representatives with the implementing authorities, the

executive officers. The plans may be so chalked out as to give an impression to all the services engaged in the project that for successfully enforcing the programme responsibility lies more with the staff than any other agency. The town planning is becoming more and more important in our country not only in big cities but also in small towns. The authorities must build the future for the desired facilities like schools, hospitals, playgrounds, commercial centres, industrial belts and the like. All this require, labour, proper thinking and working. Thus all the projects require concentration of mind and devotion to duty which can best be dealt with by the whole-time services and technical experts. They are required to apply their mind to prepare detail planning on the modern designs. It is not the work of the municipal councillors to go deep into the problems. It seems imperative that the duties and responsibilities of every member of the staff should be clearly defined and the administrative control be carefully demarcated for efficient results. As previously mentioned the powers and functions may be with the concerned officers but the full cooperation of the municipal councillors seems an utmost necessity who may be taken into confidence while preparing, finalising and implementing the schemes. In order to place the responsibility of overall control the Mayor or the Chairman as the case may be held in high position for supervision of the working of the Commissioner or the executive officers who should function under his personal guidance. The Mayor being the Head of the Council will carry with him support of all the Municipal Councillors for the cause. The officer class as a whole headed by the Commissioner should carry with it the confidence of the Municipal staff for fully safeguarding their legitimate interests. The subordinate staff in the Municipal authorities, organisation of municipal employees and their activities are not always confined to the service conditions of the employees. According to the verdict of the courts the municipal bodies and their establishments are covered by the statutory provisions of the Industrial Disputes Act and as such all such disputes are closely attracting the Government attention to consider the municipal employees as the Government servants having their relations with the Municipal Authorities like that of the Government servants having their relations with the Government administration. The municipal staff can prove effective and useful if the authorities keep them satisfied but due to the fact that some outside Political Parties inspire members of the staff for making unsound and unworthy propositions which put the

administration to a test. In order to keep the staff satisfied a regular seniority list be maintained, promotions given when due, providing necessary medical and other facilities. They should also enjoy the benefit of contributory provident fund for all the employees in all the local Bodies. The local Bodies generally plead their inability to provide the benefit of provident fund due to paucity of funds; that is why several municipal bodies do not provide the facilities of provident fund to all the employees. There are no facilities provided by the local bodies to its employees for imparting training. There are no special arrangements in the Universities also for providing specialised courses in the subject of municipal administration. There must be specialised courses, in-service training on short term basis to educate members of the staff on local Government. The junior employees generally have facilities to attend training courses in All India Institute of Local Self-Government at Bombay. The Nagpur and Allahabad Universities impart education in Diploma Course in Public Administration.

There is one important centre for training and research in Municipal Administration started by the Indian Institute of Public Administration, New Delhi where a short course in training the municipal employees is given. The Health and Family Planning Ministry has sponsored some courses for the Executive Officers at this Institute which are proving successful.

The Institute holds seminars and conferences on Municipal and urban local body problems which attract delegates from various municipal bodies in the country. This Institute has the full patronage of the Central Health Ministry for collaboration with Universities and other Institutions for the study, training and research in problems of the urban local bodies and the Administration of Local Self Government. After closely studying the useful work done in the Institute it can be safely recommended that ambitious and intelligent members elected in the local bodies and municipal corporation should attend the six week course in the Institute on behalf of the Municipal Bodies they represent. This will create lot of theoretical knowledge in the municipal councillors for proving useful not only to the society but also to the municipal administration for improving its working.

#### **Relation between Deliberative and Executive Wings**

The proper functioning of all democratic institutions is dependent upon three factors. The first is the intelligent interest convinced

and continuously exercised by the tax payers in the affairs of the city which are managed by the institution created for the purpose by choosing public representatives purely on democratic principles and adult franchise. This institution of democracy is set up by the electors to manage the affairs of their own city.

The second factor is the composition and constitution of the civic body to whom the affairs have to be entrusted for management. There must be wise policies laid down and carried out under the control of the committees constituted by elected members with devotion and vigilance of the persons holding the offices.

In the third category comes the indispensable necessity of a willing and efficient staff to implement the programmes laid down by the council after due deliberations. In case there is no willing cooperation and coordination of the departments of the executive wing and the deliberative wing these local self-government institutions based on democratic principles reduce themselves to mere ineffective debating. In order to properly execute and also for guiding, controlling and co-ordinating the activities of the staff there is a need for an effective and concentrated executive which while carrying out the responsibility of interpreting the policies and programmes of the council it would direct and watch the activities of the limbs of the administration through whose efforts the decisions of the council are given practical shape. The executive must adopt an attitude to get advantage of the legislative activity and administrative motivation. In some municipal authorities the representatives of the electorate exercise unrestricted powers not only in the settlement of finance and policy but also in the working of administration. The executive functions of the nature of making appointments and sanctioning of contracts must vest in some authority distinct from deliberative machinery. The independence of the legislative body must be secured which could be taken as an adequate safeguard against the excesses of elective government. The interference of the elected representatives in the day to day working of the municipal administration must be effectively eliminated even with the statutory provision. The enormity of the municipal administration necessitates the handling of the problems by whole-time experts rather than the political workers who are non-professionals and have no administrative experience. The elected members are expected to devote spare time to the municipal working which is not their whole-time job. In the working of some municipal institutions

the personal factor remains the sole determinant factor for purity and efficiency of administration. The chairmen and presidents of municipal committees may prove good administrators but as a rule the real administrative functions are the job of professionals who are wholetime workers with knowledge and experience. There are instances that a number of departmental heads and even some of the presidents of municipal committees proved incompetent to handle affairs properly and they were exploiting the position with some motives. In such circumstances nepotism and favouritism come to rule in the matter of appointments and indiscipline is created and the conditions are irreparably undermined. In the administration, maladministration comes in and changes the atmosphere. The chairman should remain responsible for the formulation of general policy of the council in consultation with and after due deliberations of the municipal councillors. In order to enunciate the policy, principles and programmes of the council the presidents of the local bodies should be the mouthpiece but for carrying out the decisions of the council in settling details of the administration the executive should remain responsible for working smoothly. The proposal for the mayor in council as mentioned in one of the previous chapters for the big municipal corporations may be considered in the light of the above working by the executive wing. There may not be delineation in the sphere of activity of the corporation. This will avoid overlapping or confusion which may lead to unpleasant friction between the Mayor, the Chairman, the Standing Committee on one side and the Chief Executive Officer on the other. Every type of local executive has its advantages and peculiar disadvantages and much of the importance depends upon the character, standard of working, education and experience of individuals. The only way of working is education and experience of individuals. The best way of working depends upon the strong executive which may be responsible to the council in its generality and also an intelligent council remaining watchful over its executive functioning. In fact, the executive side in the municipal council remains the chief guiding factor with the team work of the municipal councillors who are the dynamic force to keep the wheels of the administration moving.

#### Councils in Foreign Countries

In England and the Dominions the responsibility for administration is retained by the council representing the electorates. There is also a system in some municipalities in Germany where there is

one man role of a Burgomaster in municipal authorities. The third is the cabinet system where the executive is in the hands of a small body consisting of officials or partly of officials ,and members such as magistrates in Germany and Commission in U S A. According to the control by the Burgomaster and also by the cabinet system there is a varying degree of control of the administration by the elected councillors but the responsibility of the overall administration rests with the executive.

When once the policy decisions have been taken, their implementation and execution should be left to the Principal Executive Officer who must be primarily and directly responsible for this part of the work.

At present it is generally seen that the deliberative wing unnecessarily interferes in the execution of the policies once laid down and thus the Executive Officer is hampered in carrying out the policies laid down by the deliberative wing. Mixing up of these two functions delays the execution of the decisions as also prevents the Municipal Committees from exclusively engaging their attention to the deliberative functions and planning of policies and thus works in both the channels are impeded. The Executive Officer on the other hand feels indifferent and makes half-hearted implementation of the decisions of the councillors. Given a free hand he is expected to do far better and with more confidence and promptness." The Executive Officer ultimately is responsible to the deliberative wing and if it is found that he has failed in his duties the deliberative wing can correct him at any stage. What is required is the confidence of the deliberative wing in the executive. This will create faith and cooperation between the two wings and both will be able to work freely and with a sense of responsibility in their own spheres. Such an arrangement is bound to improve efficiency in the municipal administrations.

The statutory provisions lay down the work of the local bodies which can be run with the active cooperation of both the wings. Some discussions took place in the All India Mayors conference and ultimately jt was recommended to the Government to place the executive powers in the hands of the Mayor. This was duly considered by the Central Council of Local Self-Government in its sixth meeting held in November 1960.

#### **Constitutional And Public Working.**

The Municipal Corporations and other urban local bodies are governed by respective municipal acts. In the All India Mayors Confe-

rence held at Ootacamund on 19th and 20th June, 1959 it was observed that almost all the existing municipal acts were unsuitable to the present set-up and requirements of democratic States. It suggested that all the old Acts needed complete revision. Moreover the new constitutional provisions should contain basically democratic working, strengthening and enlarging the powers of the elected bodies. The mayors may be empowered to enjoy executive authority and the status of the municipal bodies be maintained, independent and autonomous position in all the matters pertaining to local self-government, institutions.

The existing municipal administration is largely based on the old Act which divides the executive authority between elected members and permanent officials of the municipality. This divided responsibility has not been found to work satisfactorily, particularly in large towns.

It is also now commonly recognised that the legislative and policy making functions should be the main concern of elected representatives of the local bodies, while the task of executing the policy should be left to those who are best fitted to do it.

It is universally recognised that the basic cause of the present maladministration in local bodies is the relationship between the members and the municipal employees. The experience of countries which possess a high tradition of civil service suggest three important criteria to ensure efficiency in the service viz, (1) recruitment by merit (2) security of tenure, and (3) political neutrality. Recruitment by merit is essential to procure for these services the best available material and to prevent jobbery and favouritism. Security to tenure is required to enable the officials to gain the requisite experience and to work contentedly. Political neutrality or non-participation of the services in politics is necessary to make their support available for all political parties or group who may be called upon by the electorate to assume the reins of Government.

The experience of the working of local bodies amply supports the view that the existing safeguards provided to the services have failed to ensure the conditions referred to in the foregoing paragraph. There is a growing dissatisfaction about the prevailing conditions of services under local bodies. Nepotism, jobbery and favouritism are practised in making appointments and promotions and no regard is paid to the merit and fitness of candidates with the result that local bodies are often burdened with incompetent employees.,

There is another aspect of the question which is equally important ; controlling authorities at different levels are not properly linked. For instance, the principal administrative and technical officers who are responsible to the Board are immediately subordinate to the President. The bulk of the staff appointed by the President has to work under the departmental officers or the Executive officers who have no disciplinary control over them. These conditions inevitably cause laxity, inefficiency and indiscipline.

On the whole there is general dissatisfaction with the present position and powers of the Mayor and the deliberative wing in relation to the Chief Executive, namely, the Municipal Commissioner and the administrative machinery as a whole. In all the Corporations the Mayor as well as the Deputy Mayor are elected from amongst the members of the Council every year. In the U. P. Corporations, however, the Mayor need not be a member while the Deputy Mayor who must be a member has a five-year term. The Deputy Mayor is also the chairman, ex-officio, of the two Standing Committees, namely the Executive Committee and the Development Committee, the Deputy Mayor in U. P. Corporations thus enjoys a special position unde the U.P. Corporations act.

The powers of the Mayor are practically confined in all States to the leadership of the Corporation Council presiding over its meetings and guiding its deliberations and carrying with him the prestige of the office as the first citizen of the town. The Mayor has access to all records in all places and he is even the final arb ter, whether records may be produced before a committee of the Corporation or the Council itself, in the event of the Municipal Commisioner refusing to produce them in public interest. In certain states the Mayor has been given some special functions as follows :—

(a) The Madras, Bangalore and Kerala Corporation Acts provide for all official correspondence between the Corporation and the Government being conducted through the Mayor. The Mayor is bound to transmit communications from the Commissioner to the Government and vice versa but while transmitting communications from the Municipal Commissioner to the Government the Mayor may make such remarks as he may think necessary ;

(b) Section 25 of the Madhya Pradesh Municipal Corporation Act, 1959 authorises the Mayor in cases of emergency to direct the execution or stoppage of any work or any contract, the immediate execution or stoppage of which he deems necessary, for purposes

of the Act, provided that no such order will be passed in contravention of specific orders of the Corporation and any such action of the Mayor is required to be reported with reasons to the Corporation at its next meeting, the decision of the Corporation thereon being final;

(c) In Uttar Pradesh, the Mayor is vested with the power of appointing senior officers and this power recently has been amended and extended to all posts having an initial salary of Rs. 500/- or over. The appointments, however, have to be made in consultation with the State Public Service Commission.

The Power of the Municipal Commissioner are generally confined to the control over the administrative staff, formulation of proposals—financial and others for the consideration of the council and the Standing Committees, the appointment of certain subordinate staff; powers of financial sanction of estimates and contracts varying from Rs.5000/- to about Rs 25,000/ in the different Corporations according to their status and importance and lastly full authority and responsibility for the enforcement of the provisions of the Act, rules and byelaws in matters of municipal services.

The problem of town planning is becoming more and more important in our country not only in big cities but also in small towns. The authorities must build for the future generation facilities for schools, hospitals, playgrounds, commercial centres, industrial belts and the like. All this require labour, proper thinking and working. Thus all the projects require concentration of mind and devotion to duty which can best be dealt with by the whole-time services and technical experts. They are required to apply their mind to prepare detailed planning on the modern designs. This is not the work of the municipal councillors to go deep into the problems. It seems imperative that the duties and responsibilities of every member of the staff should be clearly defined and the administrative control be carefully demarcated for efficient results. In order to place the responsibility of overall control the Mayor or the Chairman as the case may be should be given position for supervision of the working of the Commissioner or the executive officers who should function under his personal guidance. The Mayor being the Head of the Council will carry with him support of all the Municipal Councillors for the cause. The officer class as a whole headed by the Commissioner should carry with it the confidence of the municipal staff by fully safeguarding their legitimate interests. The subordinate staff in the

municipal authorities form organisation of municipal employees and their activities are not always confined to the service conditions of the employees. According to the verdict of the courts the municipal bodies and their establishments are covered by the statutory provisions of the Industrial Disputes Act and as such all such disputes are closely attracting the Government attention to consider the municipal employees as the Government servants having their relations with the municipal authorities like that of the Government servants having relations with the Government administration.

### The Conditions of Local Body Services

If metropolitan government is formed in big cities and run by the representatives of the people, then not only the overall administration becomes more efficient but also the civic problems can be tackled in a better manner. Police authorities in a big city are completely detached from the civic authorities. In many matters, complete agreement between the Municipal Corporation and the police is indispensable. Roads are maintained by the Municipal Corporation but the control of the roads is within the power of the traffic police. For example, use of footpaths and roads is subject to the permission granted by the municipal authorities whereas use of microphones is subject to police permission. Control of traffic is a major problem which can never be solved unless the City Corporation has a say in the matter. With increasing vehicular traffic on narrow roads, streets and lanes, the problem should be solved by the people's representatives as they only can feel the pulse of the people and they should be the authority in matters of granting road permit and licences.

There are other aspects also, which call for constitution of a metropolitan government viz. entertainment tax, portion of income from the city bus service, income from registration of transfer of immovable property—all these should come under municipal administration. Except one or two municipal authorities, all others realise bulk of the municipal revenue from the property tax in these days of increasing cost of living, it is difficult to realise more tax from the property owners, particularly middle-class houses. The system of taxation prevailing at present does not permit municipal authorities to charge house tax at a progressive rate. Price of land in metropolitan cities and the demand for accommodation are so high that houses are rented at an exorbitant price without any benefit to the municipal authorities. Until and unless the municipal administration

is vested with overall government powers it will not be possible for the city corporation to grant tax relief to the middle class and to the poor,

In almost all the states seat of the State Governments is one of the big cities within the State. But the members of the Government in different States represent all the areas in that particular State, where a proportionate representation to the city itself is not considered by the government. So a metropolitan government should be formed where elected representative of the city proper may decide upon the welfare of the citizens.

The Mayor of the Municipal Corporation may be designated as the Chief Executive Officer of the city; and the Commissioner may function as the Executive Officer for all administrative work. This is already a practice in Tokyo, the largest city of the world.

In order to go deep into the problem of comprehensive study of city corporations in different States, it is evident that some variations have emerged for exercising the executive powers depending on demands of democratic set-up and operational efficiency have been balanced. In all the municipal corporations in India Chief Executive Officer or the Municipal Commissioner is accorded the status of the head of the administration. In some of the States like Madhya Pradesh a new experiment has been tried and the President of the Local body elected by the direct vote of the electorate and vested with the executive powers has led to frequent conflicts between the President and the municipal council resulting in a deadlock and consequent dissolution of the council (Shah M.C. "Policy Making and Municipal Administration ; Improving City Government proceedings of Seminar 1958 Part II Page 6). The Government of some States had to change policies by amending the respective acts like the Madras District Municipalities Act, Calcutta Municipal Act, where the councils were given powers to run the administration. Some chairmen who enjoyed executive powers had to be dismissed due to mismanagement. Similarly when the diffusion of authorities in Calcutta created conditions from bad to worse in the Corporation administration of Calcutta in 1948 the East Bengal Government dissolved the Municipal Corporation by a special act, followed by a new enactment of 1951 which was largely based upon Bombay pattern. Similarly in Andhra also under the Municipalities Act 1965 the elected councils were entrusted with the executive powers where the executive officer has been designated as the secretary.

In order to run the administration efficiently there is a need to employ the services of full time administrator who may be responsible for implementing the policies adopted by the municipal councils or the Corporations but generally politics crops in due to party feelings and political considerations by the deliberative wing. In order to protect the executive officers from the political arena it is advisable that the Mayor or the President of the Municipal Corporation or the local bodies may be held responsible for running the administration successfully. It is, therefore, imperative that the Bombay pattern of administration is introduced in all the local bodies whether it is a Corporation or Municipal Council so that the officer class may enjoy the benefit of diverting from politics of any sort. It is all the more necessary that the internal working of the administration may be left entirely to the offices and the deliberative wing may not indulge in day to day interference.

### Political Interference in Working of Local Bodies

The main intention to establish local self-government was to build up democracy from the bottom and on a sound basis. The first essential thing was to impart accurate information to all the voters who go the polls, so that they might form correct opinion not with regard to municipal affairs conducted by the municipalities but also with regard to all those people who were contesting election. If this was so quite a lot of the dissensions which were now cropping up in municipal affairs would be removed. The emphasis should not only be laid on the efficiency of the persons in charge of local administration but attention should also be paid to the people, who were entrusted with the work of publishing annual reports and presenting facts about municipalities with the result that voters were informative of various problems confronting the municipalities. The Central Government should establish a Research Bureau and collect relevant material.

The Mayor is the elected head of the council and also the chairman of the committees and has to preside over the meetings and conduct the proceedings. The present working of the Municipal Corporation is run on the pattern of the Bombay Corporation which in fact owes its origin to the ideas of the Father of the City Government Bombay in the nineteenth century. His considerations depended on his ideas based upon the considerations that the municipal council was not to administer and govern for which it was radically unfit but had to fulfil its proper function to watch and

control the executive government. The only safe and efficient way of disposing of the executive authority was to vest the work of administration in a single responsible officer. Such a pattern existed in several municipal corporations and worked smoothly.

### Political Parties and Municipal Working

It has been observed that the crystallization of political parties in the field of municipal working is responsible for creating a cleavage in the local government which has threatened the administration of executive functions with different outlook by the municipal councils and the services. The executive officers have to work within the framework of the policies laid down and the funds placed at their disposal by the council consisting of elected members. According to the experience gained from the practical working of the local bodies it is evident that the administration of the urban local bodies in the country has become extremely arduous task to be handled efficiently as part-time duties to be performed by the elected members of the corporation or other local bodies.

This goes without saying that after the attainment of independence and framing the structure on democratic principles the formation of the right type of organisation comprising elected representatives was the responsibility of the electors, but the heterogeneous, impressionable and immature electorate has been called upon to exercise its franchise in the new set-up based upon the atmosphere of considerable political activity where only political consideration is dominated rather than the civic interests of the public. It is unfortunate that now-a-days civic considerations are overlooked and only political view-point is dominant in the arena of local government. The different sections of the population with group or individual problems appeal to party platform more than the civic interests of the community. The tendency prevailing in the parties entrusted with the task of the municipal administration is in vogue. This way of working affects the implementation of big schemes for the clearance of slums or the development of the densely populated pockets which are likely to be hampered with the idea of losing the valuable voting strength if the programmes lead to the shifting of jhuggi or the slum dwellers. The tension and instability contribute to create uncertainty of decisions and to lay and aggravate problems that demand urgent attention and action. In the interest of the efficient working of the municipal administration it becomes imperative that politics is not allowed to be mixed up with the civic affairs in the councils. The municipal field is not the

arena of active politics but it is a gateway for such considerations where only elementary working without active political considerations can prove beneficial to the public at large. In view of this consideration it can be safely assumed that the political parties conducting the business of Local government may include in their manifesto that civic interests will be in the forefront rather than political decisions on party basis in the local bodies. The politics in the municipal field will do more harm than good to the society by ignoring the rights and interests of the people. The committee system in the local bodies and the municipal corporations has no relation with politics as the statutory, special or the ad hoc committees have to perform the functions within the framework of the municipal law for improving the conditions of the areas where the interests of the masses are affected for the health and happiness of the tax payers. To safeguard the interests of the tax payers is the obligatory function of the municipal bodies composed of the elected representatives and lot of work has to be done by the members, to discharge that legal, and moral commitments towards the electorates.

# 10

## *State Government Patronage on Financial Matters*

The study of the census figures of 1961 reveal an unprecedented growth of towns and cities in India. This pace of growth in urban population is increasing. A large number of rural area migration is continuing towards big cities in even small and medium towns almost in every state in the country. The rural population increased from 274 million in 1941 to 298.28 in 1951 and 78.84 in 1961.

The total percentage of population in Rural area in 1941 as compared to urban area was 85.97 and 14.03 but in 1961 it was 82.03 and 17.97 respectively. It is expected that by 1961, the total urban population will come to 165 million. This increase has created a number of social and economic problems. There are cities, towns and municipal areas where no water supply worth drinking is available. No city can be considered to be enjoying the benefit of good sanitation where underground sewer lines are not provided. It is rather alarming to mention that out of 2690 towns in the country only 160 may be said to have sewerage facilities either in operation or under implementation. It is estimated that over 70 per cent of the urban population is yet to be provided with the sewerage facilities.

The drift towards metropolitan centres is also crucial matter existing at present. India is a developing nation which is rapidly growing in Industrialisation.

The acute problems in metropolitan cities have attracted the attention of the government to meet the housing shortage, growing tendency of the people towards crimes, lack of sanitation, scarcity of basic amenities like medical aid, transport facilities, water supply for drinking purposes, education and other problems. According to

a World Health Organisation Committee which has studied the metropolitan problems for planning and development has observed that in case the present rate of flight from the rural areas continues another 3000 million will be living in the cities by the end of this century which will create gigantic problems.

The Govt. of India has considered this matter very keenly and keeping all the factors in view it was provided in the third five-year plan that the urban development is an important aspect of the process of economic and social development and has stressed the need of proper and balanced development between the rural and urban areas :

For the above programme for improving the lot of the urban population, the state Govt. must come to the rescue of the urban local bodies, for accommodating people on modern lines who live in congested 'abadies' creating better and suitable conditions for living, working and recreations. This all cannot be achieved by putting the financial burden upon the tax payers. The taxes collected have to be utilized for the basic services also.

There are two aspects of the question as to how the desired provisions can be made.

The local body concerned has to deal with the manner in which the capital works for improvements and making arrangements for better living conditions in big cities and towns should be financed. The other aspect is to deal with the augmentation of financial resources of urban local bodies in order to make contribution towards the capital works of improving the conditions. It should be kept in view that the tax payers may not be imposed with intolerable burden.

This huge problem affecting the local bodies is a national problem. Though the execution of urban development scheme is the responsibility of the local bodies, yet the limited sources of income may not be permitted for spending to meet considerable expenditure in capital works.

It may be mentioned that the total amount provided in the National and State Plans for urban development was inadequate in comparison to the magnitude of the problem. In the third five-year plan an outlay of Rs. 46 crores was provided which included the contributions by the Life Insurance Corporation of India for the acquisition of land and development purposes.

### The Local Body Finances.\*

The Financial position of the local bodies is very low everywhere. The day to day problems create so many liabilities that it becomes imperative and obligatory to perform all functions within the limited sources of the local body finances.

The main source of income depends upon allocation of taxes and duties imposed under the statutory provisions of the Act. There is some share in the proceeds of certain taxes with the State Government and also the amount in the shape of grant-in-aid for general and special purposes. There is generally slackness on the part of local bodies to recover the taxes with the result that arrears pile up heavily in the budgeted income for years mainly due to the fact that the machinery for the evaluation and collection of the taxes is often inadequate, inefficient and corrupt. The House tax, the water and scavenging taxes, the milch tax and the 'thara' tax are the potential sources of revenue for local bodies but it has been experienced that those sources are not properly used for improving and strengthening the financial position of the Municipal Bodies.

According to the Taxation Enquiry Commission recommendations the local bodies be permitted to become financially self-dependent. The State Government must extend helping hand for imposing theatre or show tax and the duty on the transfer of property to be collected by the State Government for the municipal body.

The local bodies may be authorised to impose taxes on goods carried by road or rail, sea and air where permissible and also the toll tax where the local bodies have borne expenditure on construction. Besides the Taxation Enquiry Commission recommendations the committee on augmentation of financial resources of urban local bodies has also supported the proposal. The taxes which are otherwise the function of local bodies may not be added in any of the share in the State Government revenue. The urban land tax is being imposed by the Punjab, Madhya Pradesh, Maharashtra, Madras, Bihar, Gujarat and Assam Governments for their own use.

The Assam, Madhya Pradesh and Punjab Governments are receiving the profession tax with the justification that the local authorities have not proved successful to utilize the powers of taxation as they should. The field of taxation of the local bodies have been used by the State Government in order to appropriate the source of income which legitimately belongs to the local bodies. This

is how the meagre resources of local bodies are being crippled by the State Governments. This is in fact usurping the rights of the Local Self-Government where the due share of taxes is being taken by the State Governments.

In article 280 of the constitution of India the appointment of Finance Commission is provided. The Finance Commission has already suggested for distribution of net proceeds of taxes divisible between the central and the State Governments and to lay principles to govern grant-in-aid to the States out of the consolidated fund.

The State Government should provide a substantial amount in the five-year plan to be given to the local bodies for meeting their financial obligations like water supply, sanitation, health, education and other mandatory functions like schemes of planning and development to be executed by the local bodies. The State Government must contribute out of the consolidated fund of the State. The State Government should share the taxes which are divisible between the State Government and the local bodies. The finances of the local bodies should become integral part of the overall National Finances.

In order to improve the conditions prevailing in the working of the local bodies and also to get co-operation and coordination of the Govt. departments there should be an organisation within the State administration which may be capable of comprehending all the detailed administrative possibilities. A small Local Self-government Board with representatives of municipalities and also the concerned departments of the State Government with a few non-official members distinguished in the field of local self-government be set up with the Minister for Local Self-government as Chairman. This Board will direct and supervise the entire working of financial and administrative matter between the State Government and local bodies.

The pattern of assistance to local bodies under different schemes be adopted in such a way that National Government, the State Governments and the Planning Commission may contribute their due share to improve local finances by taking steps to revise the pattern of assistance so as to give more grant and less loans for implementation of schemes of essential nature which cannot be self-financed like drainage schemes and the water supply projects.

#### Sources of Local Bodies Revenue.

The local self-government institutions are considered to be essential part of National Government. The subject of local Govern-

ment is defined in list II of 7th Schedule of the Constitution of India in the following words :—

“Local Government, that is to say, the constitution and powers of municipal corporations, Improvement Trusts District Boards and other local authorities should suffer for the purposes of local self Government or village Administration”.

All the local bodies are creations of the State Governments and enjoy only such powers and functions as are delegated by specific Acts passed by the State Government Legislatures.

The Public Revenues of the country is divided into 2 parts. One for the Union Government and the other for the State Governments. The State Governments are further permitted to allot any resources of their discretion to local bodies out of the State Government share of public revenues. There is no provision in the constitution to make it obligatory for the State Government to hand over any particular source of income to the municipal bodies as there is no separate list in the constitution which falls within the purview of the local authorities. Under the Government of India Act 1919 the Scheduled Taxes Rules provided some taxes to be exclusively utilised by or for local bodies. The following taxes were provided for municipal bodies by the Act :—

- (1) Toll.
- (2) A Tax on land or land values.
- (3) A tax on buildings.
- (4) A tax on vehicles and boats.
- (5) A tax on animals.
- (6) A tax on materials and domestic servants.
- (7) A terminal Tax on goods imported into or exported from a local area where such a tax is first imposed in a local area in which an octroi was not levied on or before 6th July 1917.
- (8) A tax on trades, professions and callings.
- (9) A tax on private markets.
- (10) A tax imposed in return for services rendered such as water, lighting, scavenging and fees for the use of markets and other public conservancies.

After declaration of Provincial Autonomy under the Government of India Act 1935 the above taxes were included in the Provincial list without any mention that the taxes in question were reserved

for local bodies. In the constitution of India as existed at present the position is more or less the same.

### **The Financial Resources of Local Bodies.**

There are two kinds of financial resources at the disposal of municipal bodies.

1. Tax Revenue.
2. Non-tax revenues.

The Tax revenues consist of the following :—

- (i) Taxes on property including service taxes.
- (ii) Taxes on trades and professions.
- (iii) Taxes on goods and consumptions.
- (iv) Taxes on animals and vehicles (other than motor vehicles).
- (v) Other kinds of taxes.

The non-tax revenues comprise Government grants, rents from Municipal properties, revenues from municipal utilities and undertaking, licence and other fees, fines and others.

It is an admitted fact that most of the local bodies are in great financial necessities. The sources of income are more or less the same but the continued growth of expenditure due to increase in liabilities and obligations has left the local bodies to search for additional methods of obtaining local revenue so that they may become less dependent upon the State Government grants and loans. The limited sources of income have impeded the efficiency of services like maintenance and improvement of roads, water supply, drainage system, sewage disposal work, street lighting, provision of public parks recreation facilities, education and medical and public health.

The question of increasing the finances of local bodies by legitimate means has been thoroughly examined by the Local Finance Enquiry Committee 1951 and the Taxation Enquiry Commission 1954. In 1956 the Central Council of local Self-Government gave due consideration to the recommendations of these reports and the State Governments were requested for their implementation.

In 1962 the Central Council of local Self-Government appointed a Committee of State Ministers to recommend measures for augmentation of financial resources of urban local bodies whose report was presented to the Council in 1965. It is surprising that the finances of the local bodies have not been considered as a part of the overall public expenditure of the country. The All India Council of Mayors considered this aspect and submitted proposals to examine this posi-

tion in national interest but the Fourth Finance Commission did not pay due attention on the ground that the finances of local bodies fall beyond the terms of reference of the Commission.

The local bodies are expected to play an important part in the National Industrial and economic development as their resources are drawn from the annual national income.

It seems unfortunate that the state governments, ignore the recommendations of the Government constituted committees and commissions for strengthening the financial position of local bodies. In the interest of justice the autonomy of local bodies must be given due significance so that they could arrange to manage their own resources of collecting funds to meet their obligatory functions and may not always look to the State Goverment for financial aid. The State Government, on its part must provide adequate sources of revenue to the municipal authorities by allocation and sharing taxes with the local bodies. The local authorities should adopt ways and means to raise fund from non-tax revenues. It is in the interest of the State Governments and also the local bodies that the municipal authorities become self-dependent financially.

The Taxation Enquiry Commission's suggestions that the following taxes and duties be reserved exclusively for the local bodies\* should be accepted by the State Governments :

- (a) Taxes on lands and buildings.
- (b) Octroi.
- (c) Taxes on vehicles other than mechanically propelled.
- (d) Taxes on animals and goats.
- (e) Taxes on professions, trade callings and employments.
- (f) Taxes on advertisements other than those published in newspapers.

It was further recommended that the local bodies be permitted to impose theatre or show tax generally known as entertainment tax and duty on transfer of property to be collected by the State Government along with the stamp duty for the local bodies. There is a provision in Article 280 of the constitution of India regarding the appointment of Municipal Finance Commission for distributing the net proceeds of the taxes divisible between the central and the State Governments and also to lay down principles for governing the grant-in-aid to the state governments out of the con-

solidated fund of India. The State Governments may include the financial obligations arising from the recommendations of the municipal finance commission in their proposals for the finance commission. In this way the finance of the local bodies can become an integral part of the overall National Finances.

### **Causes of Low Income and Expenditure of Local Bodies**

The grants-in-aid to local bodies are necessary for various reasons. The Government put responsibility on the local bodies for good administration and planning of their working. They have to provide a uniform standard of services to all citizens without any regard to the financial position of the local government.

The greater the interest of the State Government in service, the greater is the responsibility of the State Government to give financial aid to the local bodies. The grants by the State Government enable local authorities to cover the increased cost of administration over payment of increased salaries, allowances etc. There should be a policy laid down on statutory basis for assigned revenues which means that certain taxes are assigned to the local bodies exclusively. There is another category of shared revenues which means that the proceeds of certain State Revenues are shared by the State Governments with the local bodies. The motor vehicles tax is a local tax in some States and after it was provincialised some compensation was paid by the State Government to the Local Bodies in view of the consequential loss of revenue. The example of Calcutta Corporation is very clear. Since the motor vehicles tax is provincialised a sum of Rs. 4.50 lakhs was paid annually to it by the State Government in this connection. The yield of tax has increased from Rs. 4.47 lakhs in 1948-49 to Rs. 244.10 lakhs in 1962-63 but the benefit of the increase in revenue does not go to local bodies. It is said that by 1964-65 the collection of the motor vehicles tax amounted to Rs.450 lakhs.

In some of the State Governments the whole collection in the shape of entertainment and motor vehicles tax is considered to be the income of the local bodies. In order to develop a sense of responsibility on financial matters the local bodies be given free hand for adopting ways and means to add to the revenue within their statutory provisions. The local authorities have a number of functions to perform and fulfil an obligation in performing the legitimate duties under the Act. The present practice with the Central and State Governments prevailing in the country has to be followed and grants

in-aid should form an important source of revenue of the local bodies. It is learnt that in the United Kingdom the Government grants to local bodies constituted about 42% of the total revenue in 1961.

It is an admitted fact that depending upon the Government grants the Government will have to be invited for keeping watch over the working of the local bodies minutely which interferes with the working and the financial responsibility of the civic bodies.

The necessity of a wise and coherent policy regarding grants-in-aid has been emphasised by the Local Finance Enquiry Committee as well as by the Taxation Enquiry Commission. The taxation Enquiry Commission observed as follows\* :

"No State has in this context a Grants-in-aid Code that embodies simple and well-defined principles. Further, of course, both the amount of the grant and the payment of the amount are in actual practice contingent upon the State Government's own finances as these vary from year to year : and complaints have been voiced that the promised grants not infrequently fail to materialise. We recommend the adoption by each State Government of a system of grants-in-aid based on the following principles :—

- (i) There should be a basic "general purposes" grant for each local body other than the bigger municipalities and corporations ;
- (ii) The local bodies eligible for such grant within each category (municipality, local boards, panchayats, etc.) should be classified into a few simple divisions based on population, area, resources, etc, and the grant itself related to these factors as well as to the size of the normal budget of the local bodies.
- (iii) The basic grant should be such that, after taking into account its own resources, the local body will have fairly adequate finance for discharging its obligatory and executive functions ;
- (iv) The basic grant should be assured over a reasonable period of years ,say, three or five, and save for exceptional reasons, should not be subject to alteration from year to year within that period, and

\*Reproduced from Augmentation of Financial Resources of Urban Local Bodies, pp. 58-59.

- (v) There should in addition to specific grants (annual and other), which as at present, will be for particular items and services. These should be conditional on (a) the particular service being maintained at a prescribed level of efficiency and (b) the local body exploiting its own resources to the extent indicated by Government from time to time.

The Madhya Pradesh Government has tried to systematise and act upon the above recommendations to some extent but no other State Government in India has made any attempt. In other States no progress has been made towards evolving well defined principles in accordance with which the payment of grant-in-aid had to be made to the local bodies.

In order to give grant to the municipal bodies for specific purpose the Governments have enumerated the following services which would be eligible for financial assistance from the State Governments\* :

- (a) All preventive public health work like vaccination, inoculation, etc ;
- (b) The maintenance of isolation hospitals ;
- (c) The maintenance of relief centres (beggar homes) ;
- (d) The maintenance of midwifery, maternity and child health centres ;
- (e) The maintenance of dispensaries ;
- (f) The maintenance of family planning centres ;
- (g) The maintenance of fire fighting services ;
- (h) Anti-mosquito, anti-malaria and anti-filariasis services ;
- (i) The maintenance of parks ;
- (j) The maintenance of public latrines and urinals ;
- (k) The maintenance of landings wherefrom no fees are levied ;
- (l) Sports and activities connected with the sports ;
- (m) All constructions and equipments provided for the furtherance of any of the above services ;
- (n) Grants-in-aid given by the Council towards any of the services ;
- (o) Town Planning, building inspection and survey ;

\*Ibid, pp. 59-60.

- (p) Any other project or service which would be declared by Government to be eligible for the grant for specific purpose.

In view of the above it is in the interest of the State Governments to raise the standard of local bodies in the State. The local bodies within their limited sources cannot do justice to the mandatory functions assigned by the statutory provisions of the Act.

The Taxation Enquiry Commission in 1954 recommended some measures to be adopted by the State Government for increasing the finance of local bodies but so far the Government has not fully implemented its recommendation.

On the 9th January, 1962 the All India Council of Mayors held at Delhi in its resolution No. 67 urged the Government to give practical shape to the recommendations of the Commission in the following words :—

“This Conference regrets that the recommendations made by the Taxation Enquiry Commission long ago have not been implemented fully so far. This Conference, therefore, urges the Government to implement the recommendations immediately ; and further requests that additional local needs so far as finances of individual Corporation are concerned, may also be considered.”

It is further resolved that grants equivalent to taxes on Government properties in the Corporation areas be given to the Corporation as follow :\*

“Whereas overcrowding due to the growth of cities is leading to disorderly and unhealthy living amongst the lower and middle classes of people and to the creation of slums in worst affected parts of cities, this Conference resolves that as an immediate measure Government should give 75% subsidy and 25% loan for building up new *Bastis* as well as for slum clearance in Corporation limits.”

Special efforts be made to provide houses for the poorer section of the community at a reasonable rent.

The Conference further resolves that the Planning Commission and the Government should themselves take up the matter on the lines of Community Development Projects in rural areas for the

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\*All India Council of Mayors, Delhi 1962, Resolution No. 6/7.

long range solution of the problem of urban overcrowding and should enlarge the activities of the Town Planning Department to actual handling of Town Development Works in conjunction with the local authorities.

This conference also resolves that the Government of India be requested to provide adequate funds for the above schemes in the Third Five-Year plan to enable the Municipal Corporations to execute such schemes.

In order to quicken the acquisition proceedings, this Conference urges the State Governments to pass immediate legislations on the lines of the Slum Areas (Improvement and Clearance) Act, 1956.

This Conference understands that the funds allotted by the Government of India for Low Income Groups Housing Scheme are lying idle in the Delhi area and other states with the respective authorities and hence requests them to take immediate steps to make these funds available to Local Bodies.

In order to give relief to the hutment dwellers and footpath dwellers, this Conference is of the opinion that barracks on the lines of war-time one-room tenements be built immediately in large numbers to give the relief and to give them alternative accommodation.

In some of the States the Municipalities provide for the taxes that may be under Acts imposed by the Councils. The taxes generally levied are octroi, property tax, taxes on vehicles and animals, conservancy tax, water tax, profession tax, and terminal tax. This is a practice prevailing in the Municipal Bodies that for imposing any tax the council has to pass a resolution defining the proposal. This is published for notice to the public in the prescribed form and objections are invited within 30 days, from the date of publication. After the objections are duly considered the Council forwards them to the State Government for final decision or sanction.

In case of Municipal Corporations the taxes which are compulsory are : - Property tax, conservancy tax, a general sanitary cess for the construction and maintenance of Public Latrines and for removal and disposal of refuse, water rate and a cess on animals or the goods brought within the city for sale, consumption or use like lighting rate, market dues, betterment tax, pilgrim tax, show tax and the advertisement tax.

Under the Government of India Act 1919, the Provincial Governments, were for the first time given powers to impose without the previous sanction of the Government certain taxes specified in the scheduled tax rules. Later on the government of India Act 1935 and article 269 of the constitution of India provided that Terminal Taxes on goods or passengers carried by Railways, by Sea or by Air and taxes on fares and freights shall be imposed and collected by the Government of India but the proceeds thereof shall be assigned to the State Governments. The article 277 of the Constitution provides and protects the right of the State Governments and the Municipal Authorities to continue the levy of terminal tax provided they have been levying such terminal taxes before the commencement of the Constitution unless a provision to the contrary is made. In ten states wherever octroi is leviable its proceeds constitute about 20% of the total receipts of the local bodies.

In Rajasthan, Punjab, Madhya Pradesh, Jammu & Kashmir the yield is as high of the total income as 82.70 per cent, 80 per cent, 78.80 per cent and 72.20 per cent respectively.

Assam, Bihar, Kerala, Madras, and West Bengal do not levy octroi but in Andhra Pradesh, Uttar Pradesh, and Orissa receipts from octroi constitute only 7.4 per cent, 27.9 per cent and 12.5 per cent respectively. It is therefore desirable that where the direct tax is not levied they should be permitted to levy.

Similarly the entertainment tax is also levied in various states and also the motor vehicles tax goes to the revenue of the local bodies through the State Governments. There are some State Governments where it is contemplated to do likewise in order to strengthen the local bodies' finances. There are some legitimate taxes which form part of the revenue of the local bodies and the State Governments must fulfil obligations by improving the finances of the municipal authorities for mutual interest.

The main causes of the low income of local bodies are the State and the Central Government apathies towards the working of municipal administrations which can prove effective only if they get due financial patronage. Due to day-to-day increase in the obligatory functions of the local self-government, authorities for handling the work of urban development with the revenue collected from the limited sources bring small finance to meet even the usual commitments of local nature. The other issues of urban community development can be successfully dealt with by the capital account after the State

Governments extend help as grants-in-aid, subsidies and loans. The local conditions do not permit to meet bigger projects out of the revenue account.

### Government Grants, Subsidies, Loans and Local Bodies

The State Governments and local Bodies are closely inter-related where grant coordination and mutual cooperation is necessary for smooth working. Due to some changes in the functions many responsibilities which were otherwise purely local, to be dealt with by the municipal authorities have now to be viewed in the National concept.

In view of this principle the state and union governments must play a positive and supporting role to strengthen the municipal administration so that the local bodies may perform their functions effectively.

In order to achieve this object there should be working relationship which implies on State Governments an increased emphasis on guidance research, consultative services, technical assistance and training programmes. The Local Bodies have direct hand in the working of the Local Self-Government department. The state governments have to extend great assistance to the local authorities to investigate and strengthen their administration.

### Union Government and Local Bodies

The role of the Union Government in stipulating the growth of local institutions is also important. The Central Government should organise research and higher training at the national level and recommend standard of services.

In 1948 the Central Ministry of Health convened the first conference of the State Local Self-Government Ministers with the object of providing an opportunity for due consideration of the local self-government administration. Similarly the second conference of the State Self-Government Ministers made important recommendations for the development of urban and rural areas. As one of the recommendations, a central council for local Self-Government was established under article 263 of the constitution to recommend to the central Government regarding the allocation of available financial assistance to local bodies including the village Panchayats and to review periodically the work accomplished in different areas with the assistance of the Government.

It is not possible to evolve a common code of grant-in-aid which can be followed by all the States. Under some well-defined principles each state Government should form its own code taking into consideration the existing financial position of local bodies and the nature of functions entrusted to them.

The Taxation Enquiry Commission, recommended some principles to be followed by all the State Governments, which relate to the purpose of giving grants to all local bodies for which the urban bodies were proposed to be classified into several groups.

Some points from the implementation of the recommendations of the Committee of Ministers appointed by the Central Council of Local Self-Government on the augmentation of the financial resources of Municipal Corporations are given below.

A statutory Urban Development Board should be set up in each State which should be empowered to acquire lands and properties wherever necessary and undertake most aspects of town development. The Board may also statutorily undertake water supply and sewerage schemes in respect of specified points which would supply long-term as well as short-term credit to the local bodies. The initial capital for the Urban Development should come out of the total provisions made in the plan for urban development. The Boards should also be empowered to raise resources of their own and should also explore the possibilities of financial assistance from various international AID Agencies.

Urban Local Bodies should be encouraged to take up remunerative activities which would create permanent assets yielding perennial non-tax income. As far as possible these remunerative activities should be financed out of a Revolving Fund.

As recommended by the Taxation Enquiry Commission, the following taxes should be reserved for exclusive utilisation by or for the Local Bodies.\*

- (i) Tax on lands and buildings popularly known as Property Tax ;
- (ii) Tax on entry of goods into the area of local authority for consumption, use or sale therein ;
- (iii) Tax on Professions, Trades and Callings ;

- (iv) Tax on vehicles other than mechanically propelled ;
- (v) Tax on animals including goats ;
- (vi) Tax on advertisements other than newspaper advertisements.

Each State should have a Grant-in-aid Code embodying certain well-defined principles and there should be a Basic General Purposes Grant for each local body in addition to specific grants for particular items and services. For the purpose of evolving the principles in accordance with which such grants should be made, the urban Local Bodies should be classified into six groups :—

- (1) Class A Corporations/Metropolitan cities and big industrial centres.
- (2) Class B Corporations/Municipalities covering cities with more than five lakhs population.
- (3) Corporations and Municipalities with more than one lakh but less than five lakh population.
- (4) Municipalities with more than 50,000 but less than one lakh population.
- (5) Municipalities with more than 20,000 but less than 50,000 population.
- (6) Municipalities Town Area Committees and Notified Area Committees with less than 20,000 population.

The committee recommends that the Urban Local Bodies should get a recurring annual per capita bis: general purposes grant at the following rates

|  | Rs. p. |
|--|--------|
| (1) Class A Corporation/Metropolitan cities and big industrial centres.                                | 0.25   |
| (2) Class B Corporation/Municipalities covering cities with more than five lakhs population.           | 0.25   |
| (3) Corporation and Municipalities with more than one lakh but less than five lakhs population         | 0.50   |
| (4) Municipalities with more than 50,000 but less than one lakh population.                            | 0.75   |
| (5) Municipalities with more than 20,000 but less than 50,000 population.                              | 1.00   |
| (6) Municipalities Town Area Committees and Notified Area Committees with less than 20,000 population. | 1.50   |

With regard to specific grants, the Committee is of the opinion that for Water Supply and Drainage Schemes, grants should be made on the following lines :—

- |  |  |
|--|--|
| <p>(1) Class A Corporation/<br/>Metropolitan cities and<br/>big industrial centres.</p> <p>(2) Class B Corporation/<br/>Municipalities covering<br/>cities with more than<br/>five lakhs population.</p> <p>(3) Corporation/Municipalities<br/>with more than one lakh but<br/>less than five lakhs<br/>population</p> <p>(4) Municipalities with<br/>more than 50,000 but<br/>less than one lakh<br/>population.</p> <p>(5) Municipalities with<br/>more than 20,000 but<br/>less than 50,000<br/>population.</p> <p>(6) Municipalities, Town<br/>Area Committee and<br/>Notified Area Committees<br/>with less than 20,000<br/>population.</p> | <p>No grant should be given,<br/>but State and Central<br/>Governments should give all<br/>assistance in securing loans<br/>on liberal term.<br/>Some grant may be necessary<br/>but this may be decided by<br/>the State Government after<br/>taking into consideration<br/>all the relevant factors and<br/>with a view to making the<br/>project a practical proposi-<br/>tion.<br/>10 per cent of the total cost<br/>of the scheme should be<br/>contributed by the Municipali-<br/>ties, 66½ per cent to be<br/>raised as loans by the<br/>Municipalities and the State<br/>Government would give the<br/>necessary guarantee, and the<br/>remaining would be given as<br/>grant.<br/>40 per cent contribution by<br/>the Municipalities, 50 per<br/>cent loan to be raised by the<br/>Municipalities with Govern-<br/>ment guarantee, 40 per cent<br/>grant.<br/>10 per cent contribution by<br/>the Municipalities, 40 per<br/>cent loan to be raised by the<br/>Municipalities with Govern-<br/>ment gurantee, 50% grant.<br/>10 per cent contribution by<br/>the local bodies, 30 per<br/>cent to be raised as loans<br/>with Government. guarantee,<br/>60 per cent grant.</p> |
|--|--|

A more liberal pattern of financial assistance should be adopted for large pilgrim centres, places of tourists' interest, hill towns and places where due to technical difficulties the cost of water supply schemes is unusually high. In the case of these local bodies, a minimum contribution by the local body need not be insisted upon and the percentage of grant assistance can be increased according to the circumstances of each case.

For developmental activities such as public health measures, parks and gardens, sports stadia, theatres, libraries, swimming pools, etc., grant may be given.

To cover the increased administrative costs over payment of increased salaries, cost of living allowance etc., at least 50% grant should be given.

Certain services like water supply, sewerage, drainage, public health measures, primary education, maternity and child welfare etc., though local in character, are national in importance. The Central Government as well as the State Government should, therefore, share the responsibility for providing these services to the urban population.

The debt of remunerative enterprises should be a charge on the revenue derived from these enterprises. There should, however, be staggering of dates for paying instalments for the repayment of loans at least for such period till the enterprise really becomes remunerative. Local bodies should not be allowed to borrow indiscriminately from the open market but should borrow their entire loan requirements either from the State Government or from a Central loans Institution like the Urban Development Board.

For mopping up unearned increments in land values, an Urban Land Tax should be levied on the market value of urban land irrespective of the value of the buildings standing on it. When the property is proposed to be put to more profitable use, a Development Charge may be levied before permission is given to change the land use. The proceeds of these taxes should be made over to the urban local bodies wherever they are responsible for implementation of the Master Plan or to Improvement Trusts or Development Boards as the case may be.

Where the States are already levying tax on the consumption of electricity, a surcharge should be added to the existing duty and the proceeds of this surcharge should be made available to the urban local bodies. Where no such duty is in force, the urban local bodies

by suitable amendment of the Municipal enactments, should be authorised to impose tax on the consumption of electricity at a rate not exceeding 10 per cent of the existing electricity rates.

### Comments from Municipal Corporations

Ahmedabad Municipal Corporation Resolution No. 165  
dated 28-5-1965.

**Resolved** that :—

In the opinion of this board of the Municipal Corporation the present status quo relationship between the Executive Wing and the Elected Wing of the Corporation is quite well, but the Council named as 'The Mayor-in-Council' comprising (1) The Mayor, (2) Deputy Mayor and Chairman of the Statutory Committee should be vested with full authority to review the decisions of the Executive Wing and the decision of this Committee shall be treated as final. Over and above this the Mayor-in-Council should be vested with full authority to examine and inspect all the files and records of the Corporation and should be empowered to obtain report on matters pertaining to civic importance from the Municipal Commissioner and Municipal Officers of various departments.

Bangalore Municipal Corporation : Resolution passed at the Meeting of the City of Bangalore Corporation held on 28.6.65.

**Resolved** that the Corporation of Bangalore while approving the recommendation of the Rural Urban Relationship Committee on structures of Municipal Corporations and relationship between the Executive and Elected wings offers the following suggestions :—

- (1) The Corporation should be more autonomous and have greater power and the Government should have nominal control. Except where the Government has given grant or loan, there should be minimum interference of the Government regarding the finances of the Corporation.
- (2) Regarding the basis for getting the status of a Corporation the City should have a population of 5 lakhs or have an income of two crores or more.
- (3) The Mayor and the Deputy Mayor should be elected representatives and their term shall be for a duration of one year without any bar for re-election for the subsequent years.

- (4) The Corporation shall have 'full powers for sanction and decide policy matters which the Commissioner shall carry out.
- (5) The Mayor shall have certain executive powers to be delegated by the Corporation.
- (6) The Mayor may delegate some of his powers to the Deputy Mayor.
- (7) The Corporation shall have powers to appoint a Sub-Committee to lay down policies and supervise the appointments made by the Commissioner, etc., for all categories.

### **Loans and Subsidies to Local Bodies**

The government gives loan to the municipal authorities in emergencies like construction and improvement of roads, water works, drainage system or for repayment on previous loans pending for clearance. The terms and conditions of these loans are stringent and the Government grants such loans for a short period. To meet capital expenditure schemes the Government sanctions loan only after getting satisfaction about repayment capacity of the local body concerned. There are instances where the local body is not in a position to pay regularly the due instalments and in such cases penalty is imposed for payment.

The loans are being provided by the Central Government to State Government for relending to local bodies. A brief description of each scheme is given below as defined by the augmentation of financial resources of urban local bodies.

### **Budget Proposals and Limitations**

The preparation of the Budget of Municipal Committees and the organisation of the entire financial system of local bodies in our country require great deal of attention. The present day working tends to have a great variety of functions demanding a corresponding complexity of accounting, which if not carefully attended to is likely to create complications and endanger substantial waste of public Revenue.

The Budget is prepared and submitted to the municipal bodies with the estimates and recommendations of the heads of the departments who are given a lump sum Budget provision, but the discretion and latitude for spending the amount is voted by the municipal council. While Budget making is dependent upon standardisation of accounts, the entire responsibilities lie upon the shoulders of higher authorities

like the mayor or the council.<sup>1</sup> The desirable feature in sound Budget making is the separation of current revenue with the capital charges. The accounts of capital works and of the capital receipts and expenditure should be kept apart from the account of recurring expenditure. The accounts of all forms of municipal indebtedness must be kept and submitted separately including the provision of seeking fund charges along with interest.

It is desirable that proposals for fresh or enhanced taxes may be discussed publicly by inviting public objections and suggestions before including in the budget proposals of the municipal body. The Local Finance Enquiry Committee 1951 after going deep into the problems of the fairness of urban local bodies in India observed in its findings that :—

“The change in the urban bodies set-up has proved rather unfavourable for the local authorities, as the State Governments have in certain cases utilised what were formerly recognised to be purely local taxes for the purpose of the local bodies. The new proposals for taxation, for reduction and abolition of any existing Tax continued to be subject to the prior sanction of the government. This resulted in the position of municipal Bodies to be dependent on grants -in-aid from State Governments which further strengthened control of the State Governments over the local bodies.”

In the post-independence period a new chapter was opened of a socio-political reforms as enunciated in the Constitution of India which resulted in the Federal System of Public Administration, Universal Adult Franchise and the new objectives of welfare states. In article 40 of the Indian Constitution it has been specifically provided that the State Governments should take steps to organise village panchayats and endow them with such powers and authorities as may be necessary to enable them to function as Local Self-Government units. It clearly shows that the rural problems have engaged serious attention of the Government where administrative reforms were introduced in the shape of Panchayat Raj, Zila Parishads, which have been entrusted with large powers for managing their rural affairs. In the year 1953 the Taxation Enquiry Commission was specially constituted to go into the question of finances of municipal bodies and corporations in the country alongwith the matter of overall taxation by the Local Bodies, State and the Central Governments. It made very important and pertinent recommendations for augmentation of the finances of the Municipal authorities. It is a pity that

recommendations made by the Local Finances Enquiry Committee and the Taxation Enquiry Commission have not been implemented by the Government. According to 1961 census there were 2,590 urban Areas mentioned in the country and only 1,860 was the total number of urban local bodies in towns and cities. It is clear that all the Urban Areas of 1961 census are not having urban Local Self-Government. It is gathered that 21% of the urban areas are having rural local bodies in the country. The Administration reforms and the constitutional provisions already provide for Rural Local Bodies but in urban municipal authorities the Government does not take a serious view for improving the finances of Local Bodies. The present day liabilities and also the day-to-day increase in responsibilities of the civic bodies should take earnest steps to promote research for all possible sources to increase revenues by the municipal authorities so that the local bodies may not remain dependent upon grants from higher layers of Government.

#### Budget Making Authority

In actual practice the Budget is prepared in all the local Bodies by the executive authority. In bigger municipal Corporations the chief budget making authority is in reality the municipal commissioner who is required to submit the Budget on or before 10th of November every year to the Standing Committee with estimate of income and expenditure for the next official year which commences in India on first of April. But in Calcutta Corporation the municipal corporation Act 1923 gives the power to the Chief Executive Officer where there being no Standing Committee as in Bombay, Delhi and other places between the Chief Executive Officer and the Corporation they allow much less time for discussion on the Budget and the executive officer prepares the Budget on or before 10th February.

The Municipal Corporation shall on or before 31st March of every year adopt for the ensuing year the following budget estimates.

Budget estimates shall be an estimate of the income and expenditure of the municipal Corporation to be received and increased by it on account of the Municipal Government. The Corporation shall determine the rates at which various Municipal Taxes, rates and cesses shall be levied in the following year and, save as otherwise provided in the Act, the rates so fixed shall not be subsequently altered for the year for which they have been fixed. The budgets shall not be subsequently altered for the year for which they have been passed. The Corporation shall have to give due regard to all the requirements

of the Act and while increasing or decreasing or making additional Budget grants the estimated cash balance at the close of the year shall not be reduced below the sum of Rs. one lakh or such higher sum as the corporation may determine in respect of each Budget estimate.

In case at any time during the year it appears that the municipal fund will not suffice to meet the expenditure sanctioned in the Budget estimates of that year and to leave at the close of the year the cash balance specified in or determined under the Act, it shall be incumbent on the corporation to sanction forthwith any measures it which may consider necessary for adjusting the year's income to the expenditure. In order to achieve the object the corporation has to either diminish the sanctioned expenditure of the year or to add supplementary taxation or increase the rates of cesses, fees fares and other charges leviable under the Act.

Considering the general tendencies observed in the preparation and presentation of the Budget from the financial point of view the prevailing inclination of being over-cautious in making estimates for the revenues and so newwhat lavish in proposing scales of expenditure is not a healthy sign in general financial system in our country. It is not advisable to frame the estimates with radical extreme of Budgeting for the city which is much dependent on correct estimating of the Revenue and the expenditure of the city in advance. There must be efficient and scientific accountin: system in the local bodies. In order to secure a proper system of accounting in municipal finance the ordinary Rule of public account keeping should be based on the fact that all the unspent balances must lapse at the end of the official year and may be regranted if the municipal corporation, the supreme authority, so desires. All the receipts and disbursement in a given period must be credited and debited in that period and enforced while preparing estimate of the municipal Budget and the general statement of estimated income and opening balance. The general statement of estimated expenditure and closing balancing along with the details be kept in view. Moreover the Statement of capital works under plan schemes have to be defined. The details of the Loan Account and details of the works finances from the Government grants and also the statement of suspense Account with advances and deposits be made clear. On these principles the Budget estimates have to be prepared to avoid any irregularities from the correct budgeting of the estimates of the Local Bodies.

### Legitimate ways to improve finance of Local Bodies

The finance of urban local bodies in our country have come in a critical review from time to time by some expert committees constituted by the Government. They have recognised carelessness of the municipal bodies to increase the finance and improve conditions. The municipal bodies in the country have been dragging a miserable and uncertain existence. There are common reports from even bigger local bodies to indicate imbalance between revenue income and revenue expenditure which has become a regular feature that the budgets are precariously balanced. The growth of income is inadequate in municipal bodies in relation to the growth of expenditure on important civic matters. The average income and average expenditure of municipal bodies in the country are very low in relation to the population they are expected to serve. As for the figures of incidence to taxation and total per capita income it will be obvious that the capacity of the local bodies do not permit to provide the desired basic amenities to the people. The barest necessities of corporate life such as roads, wholesome drinking water, good standard of sanitation, medical relief, education etc. can be made available if financial position permits to shoulder the responsibilities. "This gloomy financial picture has rendered the municipal authorities so dismal that they have not been able to provide even at a minimum level the services they have to render. The general growth of population, increasing urbanisation, the rise in prices and the demands for new and additional services have made the situation much worse in recent years" (Prof. M. Venkatarangiaya-'Local Self Government in India,' Quarterly Journal of L.S.G. Institute in India January, 1961).

Due to paucity of funds of urban authorities, they have not been able to render satisfactory services to the urban population with the result that the enthusiasm for any initiative is gradually diminishing. In fact the officers constituting the organisation of tax collection department should be technically trained and qualified, adequately paid and may be allowed to discharge their duties and functions in impartial atmosphere without interference and pressure from any quarters. The Taxation Enquiry Commission report has rightly pointed out\* the working of administrative machinery of the municipal authorities :

\*Page 370-71, para 27

The taxes which have been mentioned in the last chapters should be reserved for the local bodies which are suitable to be levied by the municipalities and the municipal corporations.<sup>1</sup> The Acts governing the municipal bodies should contain provisions to ensure the levy of all the taxes but the specific rates be provided in the statute and the collection of such taxes be made obligatory on the local bodies concerned. It has been observed that the statutory provisions of the municipal Act do not specifically mention the rates of taxes and the rates are left to be fixed up by the local bodies. The elected representatives use their discretion to oblige the electorates rather than to do justice by looking to the interests of the local bodies they represent. The example of Delhi will be clear evidence to prove that the elected representatives play a role mostly guided by the political parties. Generally they get a mandate not to increase any tax directly or indirectly whatsoever.

The bulk supply of water as given to Delhi Water Supply and Sewage disposal undertaking for retail distribution costs at 74 p. per thousand gallons for the supply to the consumers but the rate fixed by the municipal corporation was 50 p. to be charged from consumers per thousand gallons for domestic purposes which is a clean loss of revenue to the undertaking. Similarly, there are instances where the revenue can be increased if there is a will to make the water supply department a commercial undertaking.

In respect of the smaller municipalities in addition to the powers of taxation the method of increasing their income resources should be through grant-in-aid by the State Government.

The local bodies are somehow or the other associated with the State or Central Government for rendering the services. Therefore, there seems to be every justification for more help for the services performed under provisions of the Indian Constitution. The government properties situated in the area of the local body are exempt from any tax. The Government, therefore, refused to pay any dues in the shape of property tax to the local bodies till recently. After great persuasion the Government has now agreed to make payment in respect of service charges but that payment is not equivalent to the property tax charges from the private owners. Even prior to 1st April, 1937 the properties belonging to Railway Department were liable to local taxes only where the Railway Board notified the liability to pay the taxes to the local bodies under Indian Railways Act, 1890. The Railways Local Authorities Taxation Act, 1941, empowered the Central

Government to notify the liability of Railway buildings to pay taxes to the local authorities which the Government did issue in respect of several municipalities and local areas. In the case of service taxes the Railway Board assured liability only where the railways were benefited by the services and that also in proportion to benefit received by the houses belonging to Railways. Thus for the railway buildings in Madras State, the Railway Board notified the liability of Railway properties to local services to proportionate extent. In some other countries the constitution provides for exemption from local rates of properties of the Government, but the payments in lieu of the local rates are made to the local bodies by the concerned State of the Central Government. It seems that the Government has not so far considered this aspect seriously. There are certain properties belonging to the union Government pertaining to commercial, semi-commercial and industrial. There is every justification for the Central Government to pay full contribution in respect of the properties belonging to Government and the Railway, used for commercial purposes in the shape of railway offices and commercial, Industrial and semi-commercial undertakings.

### **The Increased Administration Cost**

Now a days the local bodies have to keep pace with the growing demands of the municipal services as the Government employees are getting increase in pay and allowances by the Government. The cost of municipal bodies cannot bridge the gap between its usual ordinary receipts and expenditure. It is for the State Governments to extend financial assistance in the shape of grants of general nature which will work as subsidy to the city government. The State Governments should also encourage conditional grants for specific purposes to promote special objects and interests. In Great Britain the steady growth of specific Exchequer grants has been responsible for the development of Education, Health, Building and Highway etc. by the local authorities. The example of Calcutta Corporation will confirm the view that the Government grants will enable the city government of Calcutta to enlarge some of the vital services like education, water supply, sewage disposal works etc. In U.S.A. the federal and the State Governments extend financial assistance by subsidising the amount for the improvement of the local conditions.

The municipal corporation should be given full powers to mobilise independently such taxes as have local suitability. There

are some fresh fields of potential taxes which the municipal corporation is expected to fruitfully expose independently of National and State Taxation in order to broaden the base of its revenue.

### **Loan Department**

The local bodies have been burdened with heavy debts which is not within their means to repay easily. The sinking fund method may be utilised for the payment of interest and principal. This fund is contributed out of the revenue accounts. The method of repayments of Government loans depend upon the period to be fixed in equated instalments with a fixed time and length in duration.

# 11

## *The Government and Local Bodies*

The Union Government of India has got its indirect connections with the municipal bodies. In this connection a resolution No. 1 passed at the conference of the All India Mayors held at Ootacamund on the 19th and 20th June, 1954 as produced below will indicate that the Union Government is already aware of its responsibilities and provide a lump sum for some projects to meet the essential needs of municipal corporations :

- (i) The Union Government should make available to the Corporations immediately the balance of the sums already sanctioned to enable them to execute their approved schemes with expedition.
- (ii) The Union Government should provide for additional loans to the Corporations during the Second Five-Year Plan for executing their essential water supply, drainage and sewage disposal schemes.
- (iii) The Union Government should expedite approval of schemes of the corporations and allocate funds immediately for the programmes which are sanctioned.
- (iv) The Union Government should also make outright grants to Corporations for meeting the costs of development projects relating to water-supply and drainage.
- (v) Where water works are owned and run by Governments in municipal areas, the water supply schemes should be enlarged and improved soon so as to meet the demands of the towns adequately.
- (vi) Where the Corporation schemes for augmentation of water-supply or improvement of drainage system are discussed

between the officials of the Central and State Governments, the representatives of the Corporations concerned should also be invited to participate in the discussions.

### **Legislative Action And Programmes Concerning Town And Country Planning.**

The Town and Country Planning organisation considered the progress with regard to enactment of comprehensive town planning legislation in the states and union territories ; it suggested for further improvements in the legislation work to strengthen the hands of the local bodies by the state and the Central Governments.

\*Central Council of Local Self-Government :—In 1948, the Ministry of Health convened the First Conference of the State Local Self-Government Ministers with the object of providing a forum, where those responsible for this important field of administration could meet together, exchange ideas and discuss problems of common interest. The Second Conference of the State Local Self Government Ministers was convened in 1954 which made a number of important recommendations both for rural and urban areas. It recommended the establishment of a Central Council for local Self Government, which was established under Article 263 of the Constitution, by an order of the President in September, 1954 with the Union Minister of Health as the Chairman to perform the following functions :—

- (a) to consider and recommend broad lines of policy in regard to matters concerning local self-government in all its aspects ;
- (b) to make proposals for legislation in fields of activity relating to local self-Government matters and laying down the pattern of development for the country, as a whole ;
- (c) to examine the whole field of possible cooperation on a wide basis in regard to local self-government matters and to draw up a common programme of action ; and
- (d) to make recommendation to the Central Government regarding the allocation of available financial assistance to local bodies including the village Panchayats and to review periodically the work accomplished in different areas with such Central assistance.

\* Report of the Urban-Rural Relationship committee page 121-22 para 11-20.

Following the transfer of Panchayati Raj institutions to the Ministry of Community Development, the scope of work of the Council was limited in 1961 to urban local bodies.\* It takes decision on policy matters after consulting the state ministers of local-self Governments and the country's Planning Organisation.

#### **Progress in Regard to Enactment of Comprehensive Town Planning Legislation in the State and Union Territories.**

The Town and Country Planning Organisation has been pursuing the enactment of comprehensive Town and Country Planning Legislation by all the State Governments on the lines of Model Law and has been giving assistance to State Governments in formulating suitable legislation, taking note of conditions obtained in each State. The following conclusions emerge from an overall study of the progress made by the State Governments :—

- (a) All the State Governments are pursuing the enactment of a comprehensive Town and Country Planning Legislation either through enactment of a totally new law or by amending their existing Acts to include in them all the necessary ingredients of a comprehensive planning law.
- (b) The Model Town and Country Planning Law is being used as a basis on which amendments are being proposed.
- (c) The State Governments have been concerned with setting up of the necessary machinery for enforcing the law once it is enacted both at the State as well as the local level.
- (d) There are legislations besides Town and Country Planning Act which enable controls to be exercised over developments to proceed on rational lines. The Municipal Acts in various States contain a number of provisions under which developments could be controlled and properly directed. The enforcement, however, of these Acts have been far from satisfactory and as a result of Acts themselves have become nullified. It would seem that a new legislation backed by suitable agencies at the States and Local levels will be far more effective in controlling developments and directing them on proper lines.

\* Vide Ministry of Health, Government of India, Order No. F. 18-49/60 ISG, dated 13th March 1961.

(c) It would be necessary for all the States to consider expeditiously the enactment of a planning law so that plans prepared under the Central Assistance Scheme and States own scheme could be effectively used in furthering the interests of urban development in a beneficial manner.

The Second Conference of State Ministers for Town and Country Planning held in Trivandrum in December, 1962 approved the Model Town and Country Planning law prepared by a committee of Ministers set up by the Conference and commen led the model for adoption by the states, with such modifications as might be required to meet their particular requirements. The enactment of such a law in all the States has been pursued by the Town and Country Planning Organisation.

The Subject of local self-Government is a part of the state list of the Constitution of India, as such the major responsibility for developing local institutions rest with the State Governments but the role of the Union Government in stimulating the growth of the local bodies is also admitted. In order to organise research and higher training at the National Level and to tone up the standard of services in order to stimulate thinking and bring uniformity in the working of the local bodies in the country the Union Government can prove effective.

In this direction this council is meeting every year and doing a very useful work for guiding and supervising the activities of the local bodies in the country as proposed in chapter VII of the Augmentation of Financial Resources of Urban Local Bodies :\*

"Financial assistance from the Central or State Governments to the local bodies can be either through grants or through assigned revenues. By assigned revenues is meant that the proceeds of certain taxes are exclusively assigned to the local bodies. By shared revenues is meant that the proceeds of certain State Revenues are shared by the State with local bodies. Conflicting opinions have been expressed on the question whether grants-in-aid or the assignment or sharing of State Taxes is the better method of rendering financial assistance to local bodies. The Taxation Enquiry Commission expressed the following view :

**"That the additional revenue should be fully made available to local bodies by way of grants-in aid rather than by way of assignment of a share in the receipts of the taxes levied by the Government firstly because revenue without responsibility would be demoralising and secondly because grants-in-aid can be determined on the basis of needs and be coupled with the maintenance of desirable standards."**

It is always worth while to separate specific sources of revenue to be exclusively exploited by the local bodies as this will provide with some revenue and also strengthen their autonomy. In this connection the Report of the study group of the Royal Institute of Public Administration 1956 in United Kingdom observe as under :

**"The collection centrally of so much money for subsequent filtering to local authorities through an elaborate grant system is more expensive, irritating and out of harmony with the principles of local self-governments."**

The Municipal Finance Officers Association Chicago in their monograph on municipal non-property Taxes expressed in the following words :—

**"Local Government should share more fully in certain stage collected Revenues and the share should come to them as a right and not as a privilege."**

The Similar corporation was made in the Book "Federal State Local Relations" by Thomas H. Reed in the following sentence :

**"There is in short no where else for local Governments to look for any considerable addition to their income except to participation in the proceeds of taxes laid and collected by their senior partners in the business of Government."**

### **The Unearned Increments Of Land Values**

In growing cities land values tend to rise and the outlying areas which have to be developed give promises of speculative hopes for the increase in the land value.

The development value of the land is put to more profitable use by speculators. The value of an agricultural land is much less than its value when it is valued as a result of development which is likely to take place in near future. The difference of these values is commonly known as unearned increment. This increment is caused by the community and not by the individual property owner. The benefits

of this appreciation should be shared by the owner of such property with the entire community.

The United National Report on Urban Land Policy lays down that in countries where there are outlets for profitable investment other than land, the speculation in land may not be an active enterprise as it is in countries where land represents the special source of investment of idle cash like Latin America, Israel and India. Profiteering in land in urban areas may be either in cases of lands whose land use has been changed from non commercial use where the chances for exploiting the land values are great or the vacant plots held back without being developed thereby creating scarcity of land within the urban cities. This additional rise in prices the land owners earn without any efforts.

There is a practice prevailing in almost all the advanced countries for a system of progressive taxation for mopping up such unearned incomes in property. In U.S.A. an annual tax of 1000 dollars is levied on every acre of land valued at 50,000 dollars approximately. In U.K. increment value duty on site value was collected from 1910. In 1942 the committees on compensation and betterment recommended the periodical levy on increase in annual site valuation. In Denmark a tax on increasing land values at the rate of 4% and another tax on the increase in value due to rail road development at the rate of 25% is being charged. It seems that an advantage of the urban land tax would be that it would encourage development and deter the owners of vacant plots of land from waiting for appreciation in the valuation of land before selling. The vacant site valuation rating system is also prevalent in South Africa, Australia and New Zealand and some other countries. The Government of India Ministry of Health in a paper on urban land policy has made a strong case for the levy of annual Tax on unearned increments. This may seem to prove effective to check the rise in the prices of urban land. In order to determine the annual tax liability periodical assessment of urban land properties has to be undertaken and the tax liability determined for the intervening assessment. The basis of assessment will be the capital value and the periodicity of the revision of assessment may be 5 years. The above suggestion will add to the revenue of the local bodies and also will go a long way for checking the day-to-day increase in the land price in big cities.

Such reference will create public objections but the people have to be educated before such reform and changes in constitutional structure are made.

### Need For Reforms

The local bodies are considered to be important units to get decentralisation of political powers and promotions of democratic interests. The local bodies are valuable and useful part of the Government machinery and have been entrusted with the task of providing all benefits of local amenities. In fact the local bodies are the media through which working has to be canalised into coordinated plan for the development at community level. The public of the urban cities can draw more benefit for their day to day local difficulties than any other agency in the Government Department. It has been observed that in India there is a tendency on the part of the State Governments to take more powers either directly or after creating special agencies for dealing with the affairs. In order to provide better services to the people and also for the planned development on social and economic bases schemes have to be prepared within the framework of regional policies and programmes.

The expanding nature of urban committees and problem of urbanisation require vast areas under a unified administration with a large financial resources and technical skill. The new technique and modern development for the urban population is beyond the reach of the local bodies' administration. Under the existing acts the local bodies have been vested with obligatory powers and discretionary functions but without proper financial resources these functions cannot be acted upon. It is rather alarming that in 50% of the local bodies studied for the purpose the per capita expenditure on public health and sanitation is less than one rupee annually.

The rapid rate of growth of population in the urban areas poses not only the problem of more roads, increased water supply, better arrangements for sewage and garbage disposal, transport facilities, housing, etc, but also the problem of the adjustment of migrants in the urban atmosphere. This is an important and serious problem and must be tackled from the beginning. Otherwise our urban areas will present the ills of some of the larger towns of the west where the anonymity is oppressive, loneliness in the midst of crowds appalling, and the satisfaction of the universal craving for human sympathy and company denied. We may, indeed, provide all the comforts of city life to these people but if we cannot give them community life urban life would not be worth living. With this end in view, our ministry has taken up the question of starting a programme of urban community development in selected municipal areas as pilot

projects. The subject is of such a considerable urgency that local bodies should undertake this work on their own. In fact successful urban community development will make municipal administration more smooth and efficient by ensuring greater public participation. Public participation should also enable the municipalities to mobilise local resources for development in the shape of men and money as has happened in the case of rural community development. City people have long had the tradition of setting up voluntary schools, hospitals and dispensaries, etc. The idea can be further expanded. Once a community decides upon the facilities required for a particular section of the population, they can be far more effective in setting up those facilities with the help and cooperation of the local authorities and the Government than the initiative and efforts of the local authority or the Government by itself.

The question of water supply and sanitation looms large before all local authorities. Our rate of progress has been slow and the problem need to be handled with greater determination. The answer perhaps is to grant water supply and sewerage projects as business undertakings so as to make them not only self-supporting but even revenue yielding. It appears equally necessary to assess the available water supply and sanitation services within the jurisdiction of each local body, estimate future requirements and prepare a financial plan to service and repay the loans so that priorities could be determined and an effective long-term plan of operation worked out. Apart from planning for new schemes, the proper operation and efficient maintenance of existing facilities should receive special attention, under democratic pattern as granted by the constitution of India. In some States like Uttar Pradesh, Bihar, Madhya Pradesh, Orissa, Punjab, Himachal Pradesh, Jammu and Kashmir there are provisions in the respective Acts for notified Area Committees created by nomination of members by the State Governments. The municipal Acts confer upon the State Governments the power to extend any of their provisions to the notified Area Committees. In all the cantonments the Cantonment Acts of 1924 are enforced where the administrative control lies with the Union Defence Ministry. In India there are according to 1961 census, 829 places classified as urban mostly with population of 5,000 and above to enjoy the benefits of panchayats under the Act. There are 4,197 places with population of 5,000 to 20,000 which are still classified as rural even though some of them had urban local bodies. The 1961 census

report has laid down definite criteria for defining urban local bodies under the following considerations :

- (a) Where the population is of 5000 or more.
- (b) The density of population is not less than 1000 per square mile.
- (c) At least 75 per cent of the working population is engaged in occupations which are non-agricultural in character. This definition has resulted in 803 places which are otherwise classified as urban in 1951 being transferred to rural category. There are besides, 268 towns with population of less than 5000 which have been classified as urban due to special characteristics like Industrial Townships, Railway Colony, Pilgrim Centre, Hill Station, and a tourist resort. As for the working of urban local bodies in their respective areas, it is expected that they must provide the minimum basic facilities to the people. The conditions created in big cities due to migration of rural population necessitate the change in the constitutional structure to accommodate for the urban communities development provisions of the desired level. In the municipal bodies old Acts require necessary repeal like in Punjab the Act which is as old as of 1911. In view of this the old Acts have to be changed with specific provisions of modern development and also the reforms needed for providing all the basic amenities for the urban population.

The main force behind the structure of the local bodies is the well organised and effective system of personnel administration of municipal governments. The present trend of municipal administration is a growing imbalance between the aspirations of the Tax payers and the civic needs of the people. The actual performance of municipal administration does not satisfy the local population due to several factors. There is a general complaint that the municipal services are not competent to perform the day-to-day normal function of the municipal services authorities. In order to cope with the standard of work the services are required to acquire a higher degree of administrative and technical knowledge and experience. The staff can show much better results if the municipal authorities extend cooperation and the efficient and competent personnel are attracted to work in municipal administration. They must enjoy perfect peace of mind while executing and implementing the programmes of the corporations. This is

generally the problem almost in all the local bodies and municipal corporations in the country and unless the municipal revenue is properly spent and the outcome comes before the public the Tax-payers feel reluctant to contribute to the municipal exchequer. Whatever the municipal taxes are collected the people expect good return in the shape of the desired amenities. The money can be considered to be well spent if there is a willing administrative machinery to carry out the work efficiently. There must be a right type of municipal staff with public spirit and accounting capacity to organise the spending capacity. The best quality and qualification for the municipal services should be integrity, competence, good behaviour with the people coming in contact with the staff, contentment and devotion to duty. This all can be secured by establishing a permanent corps of officials, recruited on merits, giving opportunity for showing their worth and advancing further through proper grades and with good scales of pay and a fair chance of promotion on merits. There must be a regular and proper system of appointing the officers and the staff without any other consideration but efficiency and experience. A seniority list has to be maintained with proper grades and municipal cadre, the appointing authorities in the Body to have disciplinary control and powers of desired action, to give promotion and demotion. Powers of removal and dismissal should be vested in the appointing authority. The municipal councillors of the committees enjoy the privilege of being an appellate authority but generally the officers and members of the staff carry favours with the municipal councillors and members of the local Bodies as they are easily approachable. The interested persons adopt ways for improving their prospects and also saving their skin from disciplinary action. It is generally seen that the officers get themselves involved in the councils. There are executive officers who are in the habit of playing effective role in the election of chairman, misuse their position and claim to have full command over the administration by underhand policies. This way of working is the cause of corrupt practices which not only deteriorates the standard of service but also demoralises the municipal administration.

#### **Income on the Government Properties.**

Under articles 285 of the Constitution of India the Government Properties situated within the limits of the municipal bodies are not liable for any tax. In this matter the Taxation Enquiry Commission's recommendations are clearly indicative that the commission has gone deep into the matter and suggested some ways how the local bodies

can be compensated for extending the civic amenities by the municipalities out of the revenues collected from the Tax Payers. The Taxation Enquiry Commission has suggested the following points to all the Governments to pay to the local bodies in respect of service charges.

(i) The Central Government will make payment in respect of their properties for specific services rendered by local authorities ; but payment of such service charges shall be treated not as payment of taxes but of compensation payable in quasi-contract. Specific services will include not only direct services such as water and electric supplies, scavenging, etc. but also general services such as street lighting, town drainage, approach roads connecting Central Government properties, etc. But such items as educational, medical or public health facilities will be excluded.

(ii) For large and compact blocks of their properties, the Central Government will not pay for such specific services as they themselves arrange.

(iii) As regards assessment, no difficulty should arise in respect of items like metered water or electricity, etc., or where services like drainage and scavenging etc., are charged for separately. But some or all such specific services are not charged for separately but are part of a consolidated house or property tax,; a suitable percentage of such consolidated tax, representing the element of specific services, will be paid by the Government. The State Government concerned may fix this percentage, on behalf of the Central Government for each local body concerned. Similarly, the valuation of the Central Government property may be done by the agency which undertakes the valuation of the State Government property.

(iv) A Ministry of the Government of India may also enter into separate contract with any local authority for the supply of water and electricity or scavenging or any other service ; (It has been added that this arrangement is subject to reviews and modification on the recommendation of the Taxation Enquiry Commission. Even otherwise, it has been stated that there would be a review at the end of ten years to see whether any payment due to local bodies has been denied by the Central Government or whether the Central Government have accepted a large liability than is warranted).\*

### Tax on Railway Properties :

The Constitutions of several countries provide for the exemption from local rates of the properties of the Government at the Centre ; at the same time, in many cases, payments in lieu of the local rates are made to the local bodies by the Governments concerned. As we have seen, the Government of India have also, under the new orders, provided for the payment of certain charges in lieu of tax payable to local bodies. We consider that these orders call for a certain degree of liberalisation. This is especially so in respect of such of the Union properties as pertain to commercial, semi-commercial and industrial departments like Posts and Telegraphs, etc., and railway properties also.

There is a considerable material difference in the object and resources and also powers, responsibilities and functions of local urban bodies with the State or the national authority. In the Finance Commission Report, 1965 para 120 it is provided that the present levels of expenditure for maintenance of public works more especially roads were grossly inadequate and that application of past growth rates for non plan expenditure on public works would not meet the need for improving the existing conditions. In order to meet need of the local bodies and for according a uniform treatment to different States the Central Budget Grant must contribute substantial amount to extend financial help for due execution of the plan works under capital Accounts through the State Governments. The due share in revenue collected in the shape of income tax, the excise duty or other taxes has been recommended by the Finance Commission to be given to the State Government which will indirectly go to provide basic amenities by the urban municipal bodies through the State Governments. All right thinking persons will support the demands of the State Governments for a due share in the revenue thus collected so that the State Government may pass on the money to the local bodies for improving the positions which seems to be a great necessity. In the Union Territory of Delhi the Central Government agreed to pay to the municipal corporation of Delhi some ad hoc grants and also some recurring grants on the following bases :—

- (i) Grants-in-aid for institutions/services transferred from the Delhi Administration to the Delhi Municipal Corporation, equivalent to 100% of the expenditure incurred on them by the Delhi Administration as on the date of their transfer. Under this heading the Government have been

paying to the Corporation a fixed annual grant of Rs. 97.00 lakhs per annum the breakdown of which is broadly as follows :—

| <i>Head</i>                         |     | <i>Rupees in lakhs</i> |
|-------------------------------------|-----|------------------------|
| Education                           | ... | 48.00                  |
| Medical & Public Health             | ... | 38.00                  |
| Delhi Fire Service                  | ... | 6.40                   |
| Maintenance of Roads in rural areas | ... | 4.00                   |
| Total                               | ... | 97.00                  |

- (ii) Grants-in-aid for educational purposes, equivalent to 50% of the net expenditure incurred by the Corporation [excluding the item mentioned in (i)]. The position in this regard is to be reviewed with the introduction of compulsory free primary education.
- (iii) Grant-in-aid for augmenting medical and public health facilities in rural areas, limited to 75% of the actual expenditure incurred on each project, subject to an overall maximum of Rs. 5 lakhs per annum.
- (iv) Grant-in-aid of Rs. 10 lakhs per annum for improving sanitation facilities in Rehabilitation colonies taken over by the Corporation from the Ministry of Rehabilitation.
- (v) The Government also give as general grant-in-aid Rs. 3 for every Rs. 7 raised by the Corporation by way of additional taxation, i.e., either by the levy of fresh taxes or by increasing the existing rates of taxes.\*

It is a matter of great concern to the urban local bodies to observe that the Government sponsored committees and commissions devote time, concentrate energy and go deep into the working and in and outs of the municipal authorities and place their recommendations after due consideration but the Government mostly do not implement its suggestions. This drawback is responsible for defective and inefficient working of Local bodies. Whatever the Government gives in the shape of grant-in-aid, subsidy or loan, great interference and strict supervision cause lot of harassment and sometimes delays matters of routine nature. The Government must come to the rescue of the local bodies and leave them to enjoy the

\* Reproduced from p. 127 of Augmentation of Financial Resources of Urban Local Bodies.

statutory character granted to them by the Municipal Acts within the framework of the Part II of 7th Schedule of Constitution of India.

### **The System of Service and Financial Difficulties :**

The Government of India has very often considered all aspects for improving the finances of local bodies in the country. In order to achieve this object some investigations and recommendations have been made by various commissions and committees but so far no serious efforts have been made to give practical shape to any of the proposals nor adequate follow up action to save the local bodies from the day to day financial weakness. This has resulted with no achievement in solving the difficulties of municipal council for improving the financial position of local authority in the country.

The local finance enquiry committee 1951, the Taxation Enquiry Commission 1954 and the Central Council of Local Self Government recommendations have not been implemented. In 1962 the council appointed a Committee of Ministers for recommending measures for the augmentation of financial resources of urban local bodies whose report was also presented in the Council in 1965.\*

The foremost point of great importance brought out by the systematic study of the finances of municipalities concern the need to maintain the essential local character of municipal finances which enjoins upon the facts that the municipal expenditure be so laid out as to localise the benefit of all taxes and other sources of municipal income to restrict the burden of such income to the citizens or the property within the Municipal jurisdiction.

It is a well-known fact that local bodies in India suffer from paucity of financial resources which is common to local government institutions all over the world. About the finances of the Municipal Corporations of the world's wealthiest city New York, Rex Tugwell has said "it is no exaggeration to say that New York city exists in a state of chronic bankruptcy." As regards the financial position of the local bodies of varying status, there is only a difference of degree and the general observations made above would apply to one and all.

### **Revenue Collection :**

Although the financial work in a local body is dispersed all over, there are some prominent branches where the need to concen-

\*Report of the Urban Rural Relationship Committee vol. 1, page 84 Para 9.01 of chapter IX.

trate is the largest. So far as the revenue of a local body is concerned, the principal target or attention is usually the assessment and collection of taxes and the non-tax revenues. In this respect, the local bodies are found deficient. Municipal assessments are known for their inadequacy and obsolescence. Tax on lands and buildings is a major source of revenue but this source is not properly cared for and no endeavour is made to tap this resource fully by adequate assessment of lands and buildings followed by prompt recovery. In the local bodies assessment of properties is done light-heartedly and efforts are concentrated on properties which are actually rented. The basic reasons for the unsatisfactory state of municipal assessments is want of adequate and well-qualified staff for the purpose. In smaller local bodies, the assessment work is not separate or independent of the local council and the appeals, if any, against the assessments made by the municipal staff are disposed of by a committee of members or the council itself, which is susceptible to pulls and pressures.

The other important sources of tax revenue is usually octroi and quite a large number of local bodies rely for their revenue much more on octroi than on the tax on lands and buildings. On account of the liking which the deliberative wing usually has for indirect taxation, octroi has become the chief source of revenue in a number of local bodies. As the tax is collected at the barriers, a number of decisions are required to be left to the lower staff at the barriers and there are lots of complaints about evasions, improprieties and harassment. Probably for this reason, this source usually brings only about 50 per cent of the legitimate income. If discretion is not left with the lower staff on the spot it would add to the inconvenience of the traders.

The non-tax revenues of local bodies produce comparatively small income. This revenue is mostly from licence fees and other fees which are collected in small amounts. The number of licenceable items is relatively large while the enforcement and supervisory staff is relatively small. The administration of this revenue is also not very easy.

#### Expenditure Policies :

As regards the expenditure, the major heads of expenditure are usually Public Health and Sanitation, Public Works, Education and the General Administration including Revenue Collection. The local bodies should first determine the total amount of expenditure required

for providing the essential services and other compulsory charges and thereafter decide upon the extra expenditure they want to incur during the ensuing financial year for providing new services or enlarging the existing ones. In actual practice this method is not adopted in most of the local bodies. They start with the determination that under no circumstances must there be an increase in taxes, especially the direct ones, and the expenditure must somehow be pruned to be within the income arising in the normal course. As a result of this, there are generally no new activities, improvement plans and the maximum efforts.

The approach to expenditure policy is defective. The total expenditure that comes to be provided does not emerge from a rational view of the total requirements of the body as a whole. The specific provisions are often ad hoc and lopsided as they quite often are due to the pull of the powerful members of some constituencies or the Chairman of the different functional committees. This defect is reflected in the budgets of many a local body.

#### Municipal Budgets :

In most of the local bodies the financial information that is necessary for preparation of a budget is usually wanting. The budget documents possess neither a proper form nor an adequate content. The figures of revenue are generally estimated a little too liberally and the expenditure is so controlled as to leave small surplus at the end of the year. There is no clarity in the concepts of revenue expenditure and "capital expenditure". Most of the local bodies treat their annual budget as to collect sufficient revenue receipts in order to maintain their local services for the year. There is not usually fiscal plan worked out with considerable foresight and in good details for providing stable and efficient local economy.

The main reasons for the defects and deficiencies are both political and administrative. Preparation of the annual municipal budget is principally the responsibility of the Finance Committee of the local body. To assist this committee the local body must generally have on its staff a trained and experienced Finance Officer who could give all the necessary information and advice for arriving at decisions on the various financial aspects of the alternative schemes of remunerative and unremunerative expenditure.

It is also true that in quite a large number of cases where there is a Finance Officer, his sound and constructive proposals are distorted

because they just do not suit the view-point of the members. In our country collective responsibility has unfortunately become almost a synonym for individual irresponsibility and this is amply exemplified by the manner of budgeting and spending in many local bodies.

#### Accounts & Audit :

The Accounts and Audit Department of Local Bodies function in a typically mechanical and short-sighted manner. Their approach to their work is obstructive rather than positive.

Accounts and Audit are two among the important aspects of financial administration. Their aim should be to help and serve the other departments preserving at the same time their independent outlook and right to express their differing or dissenting views on financial matters. Their duty is to devise as to how the objective could be achieved without transgressing the canons of financial administration

In a democratic country like U.K., the work of valuation of properties has been taken away from the local bodies and centralised in the department of Inland Revenue. This is one of the major departments of the British Government (Board of Inland Revenue). Some similar organisation needs to be created, if not for the whole country, at least for each State. What the local Finance Enquiry commission, 1953-54 and the Commission, 1953-54 and the Committee on Augmentation of Financial Resources of Urban Local Bodies 1965 have recommended remains to be implemented by the State Governments.

In the administration of octroi or terminal tax, there is much more need for strict supervision and surprise checking as the scope for mismanagement is more. This implies the need to augment the Octroi staff with more supervisory personnel than is generally available at present. As the entry and exit at the barrier is open throughout the day and night, valuation is usually left to the discretion of the low paid staff at the barrier. In these circumstances it would be too much to expect better results. One more problem arises in the case of octroi-barriers. The staff must have adequate protection at all hours of the day. The staff has usually to deal with rough elements of society-truck drivers who are temperamentally not inclined to stand and wait at the barriers.

Local bodies usually suffer from lack of funds on account of huge arrears which remain in arrears for administrative and other reasons. The difficulties in the recovery of taxes, especially the arrears, are almost the same everywhere. Local bodies have fairly adequate powers to enforce payments of their dues but such enforcement becomes difficult on account of interference as well as collusions of the staff with influential defaulters. There is no sustained effort for realisation of arrears throughout the year but there is a spurt in this activity only in the last few months of the year with the sole idea to make up the target. The effort is not at collecting the maximum dues but on reaching the target. It seems it would be advantageous if the normal recovery of arrears are bifurcated and a separate staff is utilised for liquidating the arrears only. This may mean some more expenditure but there would be enough compensation for it in terms of larger interest extended on bank-balances or early completion of public works which remain held up for want of funds. There are also complaints about leakage of municipal revenue. Though sporadic attempts are made for plugging the loop holes, no incentives are provided to the members of the staff to suggest ways and means of stopping the leakage. There are in every local body some honest members of the staff who do possess the capacity to make suggestions in this respect. At least those staff members who have retired after long experience should be helpful in making these suggestions for a proper recognition and reward.

The realisation from non-tax revenue (fees and fines, rents and prices) are comparatively small and probably for this very reason they remain neglected.

If incentives were offered for prompt and timely payment and penalty imposed for non-payment within a prescribed time limit, the results may be encouraging. The provisions of the Acts are sometimes inconvenient for some such measures and their amendments would be necessary. The provisions of local Acts are often tedious and expensive although in similar circumstances the procedure laid down for the realisation of such dues of the State Government are simple and forceful. If the provisions of the Act are modified to make it easier for the local bodies to realise their revenue more expeditiously and more economically, there would be large realisations. For instance, local bodies are required to collect license fees in a variety of cases. No attempts are made to simplify the procedure and give enough

publicity for items requiring a license and their mode of payment. Public notices in the newspapers are not enough as most of the local population is either illiterate or not in the habit of reading such notices.

As regards the expenditure of local bodies, there is considerable wastage or overspending on account of inexperienced and unqualified staff. The local bodies have comparatively less credit in the market and they have to pay more for many things than the corresponding departments of the State Government. The methods of tendering for contracts are not free from malpractices and usually a considerable margin is left by the tenderers and the contractors for the unaccounted overhead expenses which they have to incur in securing contracts and getting payment of their bills. In the contracts for construction work, there is usually a penalty provided (but seldom levied) for not completing works within the prescribed period. No incentive is given to the contractors for completing the work before the prescribed date, otherwise it is quite likely that many works would be completed ahead of time and save the local bodies of wastages involved in excessive delays.

It is wellknown that there is wastage of expenditure in local bodies for want of co-ordination between the various services departments. What one department does one day is undone immediately thereafter by some other department. If there is perspective planning and co-ordination in the execution of job, probably much of this wastage of expenditure and inconvenience to the general public could be saved. In advanced countries the performance of jobs is compared and checked with the laid-down standards by means of costing and other efficiency tests.

In budgeting expenditure very little attention is paid to items which are remunerative. In a local body, most of the items of expenditure are unremunerative in terms of money, but there are a number of items where service could be rendered on commercial lines and expenditure on such services could be remunerative. This aspect of the matter must attract more attention. It is one of the functions of a municipality to provide markets, housing places of entertainments and amusement; car parks (in bigger cities) and the like. Expenditure on these items could be made remunerative. Every local body usually has immovable property. The rented properties are usually badly managed with the result that there are considerable arrears of

rent which subsequently become unrecoverable due to disputes and legal complications. If municipal estates are well managed on commercial lines or even on the basis of rent farming contracts, the results are bound to be salutary.

The municipal budgets need considerable reforms so far the budgetary processes and procedures are concerned. The form of the budget should be so designed that it would readily give information which is usually necessary in arriving at intelligent decision in the formation of any policy. An important municipal budgetary reforms relates to capital budgeting or long term budgetary planning in relationship with long term capital improvement programmes.

\*The Central Council of Local Self-Government has recommended that the Planning Commission and the State Government should adequately enhance the Plan ceilings in respect of sections pertaining to urban development as the plan allocations had not kept pace with the growing civic needs.

The Council recommended that legislation should be enacted to enable local bodies to levy property tax on Central Government properties. The Council noted that a Bill had already been finalised by the Union Finance Ministry to enable local bodies to impose taxes on properties of commercial departments of the Central Government, even non-commercial properties of the Central Government should be liable to taxation, as they too are benefited from civic services.

The council recommended that the Government of India should initiate legislation to permit local bodies to impose terminal tax on passengers and goods carried by rail.

The council suggested suitable action should be taken by the Centre to implement the recommendations of various Central Committees what the limit of profession tax should be.\*

#### **Stability of Service of The Staff :**

The practice of recruitment, appointment, promotions and demotions of personnel varies from State to State. In Andhra, Madras and Kerala States a unified system of local bodies, services has been in existence. In other States the local bodies are largely responsible for making their own arrangements about municipal service. The function of the State Government is to extend assistance pertaining to

\* Proceedings of meeting on 6th to 8th September, 1963, p. 87.

the framing of rules and regulations of service and passing administrative orders or directions to secure broad uniformity as far as possible.

#### Municipal Personnel :

One of the main weaknesses of municipal government in India has been the absence of a well organised and effective system of personnel administration. Under the strain of rapid urbanisation, there has been a growing imbalance between the peoples' aspirations and their civic needs and the actual performance of municipal administration. The Municipal services today are hardly competent even to perform normal functions of local government. To meet the challenge of development tasks, they would need to acquire much higher degree of administrative and technical skills. No organisation can produce results unless competent personnel is attracted to it and retained. The paucity of resources and the failure to utilise the limited resources raised are to a considerable extent due to the inefficiency and inadequacy of the administrative and technical personnel. Unless the money is properly spent, tax payers cannot be expected to agree to contribute to the municipal exchequer. Money will not be well spent unless there is the right type of staff to organise the spending efficiently\*

There are three categories of municipal services in India :

1. Municipal Service Cadres for administrative and technical officers.
2. A service for municipal subordinate and ministerial staff.
3. A group of Class IV employees of the local bodies.

The recruitment, promotion, disciplinary control and other service matters in respect of the conduct, etc., are regulated by separate rules like (a) The Municipal service Rules (b) the Municipal Subordinate and Ministerial Service Rules (c) Class IV Service Municipalities Employees Rules.

The necessary qualities for an effective municipal service of the local bodies are integrity, competence, contentment and devotion to duty without any extraneous consideration. The contended officer can prove more useful with concentration of mind which can best be secured by establishing a permanent corps of officials recruited on

\* Vol. I, p. 731 Report of the Rural Urban Relationship Committee.

merits and having confidence in security of service and opportunity for advancement with properly graded and adequate scales of pay and fair scope of promotion. There are five categories and classification of municipalities in India and for the purpose of creating and constituting municipal cadres the local bodies in a State have been divided into classes on the basis of income and population. The pay scales and other privileges to the members of the staff in different posts in the municipal services have been related to the classification of the municipal boards.

#### Powers of Appointments :

In some states attempts have been made to improve the qualities of the incumbents as the desired ingredients are not available in the services of local bodies. The appointments of executive officers and other senior officers of the municipal bodies vest in the Municipal Councils which have also the powers to remove them in various States by a 2/3rd majority but such removals are subject to the approval of State Governments like Uttar Pradesh. In order to systematize the recruitment of middle class and senior personnel some of the states have brought in the agency of municipal public service commissions. Such is the position in Calcutta Corporation. In Andhra Pradesh, Madras and a few other States executive and technical posts in municipal bodies are manned from the local Government services or by getting officers on deputation from State services.

It will be observed that in Rajasthan the state superior services and the subordinate services including class IV services have been created into State cadre. This may prove the way how to assure the services, the security of tenure and other important considerations as are generally apprehended. In the integrated services cadre the officer would be required for combined recruitment of the state Government and the local bodies with the same service conditions whether posted in the state Government or in the municipality. The posting of members of the staff of this cadre would be interchangeable between the State and the local bodies. In unified system officers would be recruited exclusively for being posted to local bodies and be transferred only between local authorities in the State. It is an admitted fact that the requirements of the unified service are of various nature which are dependent upon the nature of the cities duties whether indoor or outdoor. The administrative and revenue services of municipalities have different categories as they are

expected to have a special type of knowledge and practical working than that required for a work required in various departments of the State Government. Keeping all the factors in view it would be better to have a separate unified cadre of municipal services like that of the Rajasthan municipal services unified cadre defined above. This may be classified as recommended by the Rural Urban Relationship Committee report on page 77 of the I<sup>st</sup> Volume. The posts of this cadre may be classified as follows :—

**Special Grade :** To include Chief Executive Officers/municipal commissioner of special grades. Deputy Municipal Commissioners and Administrative heads of departments or Municipal Corporations.

**Grade I :** To include Assistant Commissioners and officers of equivalent rank in Municipal Corporation Executive Officers of Grade I municipalities and heads of administrative departments in special grade municipal bodies.

**Grade II :** To include Executive Officers of grade II and III Municipalities and junior officers of grade III and special grade municipal bodies and Corporations.

The administrative control of unified services including promotions, transfers, posting and disciplinary matters would be with the Director of Municipal Administration. In order to arrange for the recruitment of persons to subordinate municipal services the rules for recruitment, qualifications, training and other contracts may have to be framed by the State Government for implementation by the local bodies.

# 12

## *Water Supply Position In Indian Cities & Suburbs & Sewage Disposal System*

It is one of the obligatory functions of the Municipal Bodies to supply adequate wholesome water to the citizens. The provision made by the Municipal Councils to arrange for wholesome water to the people is not satisfactory. In the Report of National Water supply and sanitation programme (1960-61) the details given are quite alarming. It lays down that out of the 1,736 local urban bodies for which data were available, 1,056 local bodies had no arrangement for protected water supply ; out of the remaining 680 only 245 have the adequate water supply and the rest only restricted supply for drinking purposes. It is estimated that 60 per cent. of the urban population is not getting the benefit of wholesome water.

It may be mentioned that Agra, Allahabad, Delhi, Calcutta, Ahmedabad, Kanpur, Lucknow and Varanasi get their raw water for public supply from the rivers running nearest to the cities. These cities supply more water per capita than the other places.

### **Water Supply and Drainage for Greater Calcutta :**

A team of four WHO consultants visited Calcutta to advise and assist the West Bengal authorities on the steps to be taken to improve the water supply and drainage system of Calcutta and the surrounding areas. A survey of the present position for the preparation of water supply and drainage schemes for the largest city of India was conducted.

The scheme is expected to be an effective safeguard against cholera and other gastro-intestinal infections which result from unsatisfactory water supply and sewage disposal. In India the region of cholera falls mainly within the State of West Bengal with

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\* Page 10, Para 32.

its nucleus in Greater Calcutta. The disease is endemic throughout the year and the peak period is from March to June. Periodically the disease assumes epidemic form, an instance of which was the cholera outbreak of 1958 resulting in almost 5,000 cases in Calcutta city alone.

The magnitude of the problem of supply of safe water and providing drainage in this area can be gauged from the fact that Calcutta is a vast industrial centre sprawling over either side of the river Hooghly for about 40 miles with a depth of three to five miles from the banks on either side. There are over 30 municipalities or local bodies, including the Corporation of Calcutta, which are independent bodies and have developed their own water supply and sanitary arrangements. Piped water supply is limited in Calcutta proper and Howrah. Except for the Corporation area the water is generally obtained from tubewells of various depths and during recent times tubewells have had to be sunk in the city proper also to augment the water supply.

In Calcutta city there is a dual supply system, one providing filtered water and the other crude water from the river. The untreated water is not meant for human consumption but since the filtered water is supplied intermittently, in many areas people make use of the crude water for household purposes and thus endanger their health.

The Government of India and the State Government of West Bengal regard the Greater Calcutta water supply and drainage disposal project as a measure of urgent public health importance. The Government of West Bengal has already created a machinery to gather information on the project, especially hydrologic data on the behaviour of the Hooghly river.

#### Water Famine i) India :

Many of the cities and towns and large chunks of the rural areas of northern India are passing through one of the worst periods of water scarcity almost bordering on water famine. The problem is more acute in Rajasthan, Uttar Pradesh, Chandigarh, Punjab, Haryana, Himachal Pradesh and the Jammu region of Jammu and Kashmir State.

The people of many villages and towns have to put in a lot of efforts to collect sufficient, though untreated, water to

quench their thirst and for household purposes. All sources of water, wells, streams and rivulets whose contents do not come within the definition of "protected water" are also tapped for staving off water famine.

The authorities in most of those places have taken up short term measures and are trying to gear up the long-term projects for providing people with drinkable water.

#### **Himachal Pradesh :**

The thirstiest citizens in this hilly territory are to be found in the whisky producing town of Solon, 30 miles from Simla, which has 5,000 residents.

The Himachal Government has formulated a scheme for lifting water from the Ashni Khud to the town. According to official sources, a water supply project costing Rs. 30 lakhs is being contemplated. In Subathu, long queues wait from dawn to sunset before the solitary tap. The Army authorities come to the help of people in tackling the water shortage.

The water supply system in Simla is working normally in spite of the influx of thousands of tourists to this hill resort.

#### **Jammu :**

Experts have calculated that nearly 15 lakh man-hours are daily wasted in procuring water in the dry belt of Jammu province between Lakhanpur and Jaurian. In this belt, which has an approximate area of 1,400 square miles and a population of over five lakhs, girls trek for miles to fill their pitchers with water. Several kinds of diseases caused by consumption of polluted water are prevalent.

The areas of Sungal, Panjgrain, Chasta, Kana, Chargal, Nadore, Hatli and Challa are the worst hit ones.

The water supply is unsatisfactory in Jammu and in the towns of Kathua, Bashohli, Samba, Udhampur and Kitshtwar. Brawls and altercations are a common sight before public taps in these urban areas which have perpetual long queues to collect the precious liquid.

#### **Haryana :**

In the new State of Haryana more than 3,000 villages with a total population of about 30 lakhs, are experiencing the shortage of

drinking water. The Government has worked out a scheme to provide water to 60 villages in Bhiwahi tehsil. In Hissar Town, a water supply project is to be completed. In Gurgaon district, the worst affected areas are the Mewat rural area and the towns of Faridabad, Rewari, Farukhnagar and Gurgaon. The water supply in the industrial town of Faridabad is stated to be adequate for only half the population of the town which is about a lakh.

#### **Uttar Pradesh :**

The industrial city of Kanpur and religious city of Allahabad are the worst cities in U.P. to face water famine though the influx of population is posing a problem with regard to the water supply in other cities and big towns of the State as well.

While the rural areas around Allahabad are better off in regard to availability of water, Allahabad city is undergoing severe water scarcity because of a break-down of the city's water supply system. The water scarcity is causing great hardship to most of the city's four lakh people. Those residing away from the water-works use rickshaws to get water for their daily use.

In rural U.P., the Bundelkhand region is the worst affected in regard to the water supply during summer. The dry tract runs through the districts of Banda, Jhansi, Hamirpur, Allahabad, Varanasi, Mirzapur and Agra. A severe heat spell causes village wells to dry up in many areas of Jhansi and smallpox and other epidemics break out.

#### **Rajasthan :**

The summer does not spare Rajasthan where village girls have during the centuries walked for miles balancing bright brass pitchers on their heads to get water for drinking and cooking purposes.

Besides Jaisalmer and Barmer districts, the water problem is severe in parts of Jodhpur and Bikaner districts. The State Government has declared 2,365 villages as areas affected by scarcity owing to failure of rains.

Barmer and Jaisalmer, two districts bordering Pakistan, have been facing a water famine for the fourth year in row. Wells are not many ; only one within a radius of 15 miles. Water is carried to these parched areas by railway tankers, trucks and tractors. Water scarcity is also severe in parts of Jodhpur, Bikaner districts and some villages in Ajmer and Jhunjhunu districts. In towns and cities, water supply has been restricted.

For Barmer town aduplicat, pipeline is to be laid soon from Bothia tube wells to augment the supply. Jaisalmer has now a newly sunk well with copious supply of drinking water. But the vast desert expanse presents a bleak picture. Scores of cattle perish every year. In Barmer town water is stored in tanks in the mohallas and is sold through coupons. Sweet water wells always see long queus. Geologists say that a large part of Jaisalmer and Bikaner was under sea some million years ago. The sea receded leaving beneath the desert surface a vast reservoir of water.

Three years ago when Rajasthan was in the grip of one of the worst famines, the Union Government sanctioned a Rs. 2 crore scheme for sinking 250 tubewells in the districts of Jodhpur, Jaisalmer, Barmer, Jhunjhunu, Bikaner Churu and Nagaur. Since then the exploratory Tubewell Organization has made about 260 experimental strikes of which 138 proved successful.

### Punjab

As many as 29 lakh people in 1,813 villages of Punjab drink unwholesome water, which is saline or brackish or has excessive fluoride contents. They constitute nearly 28 per cent of present population of about 94 lakhs in all the 11,947 villages of the state. This is according to a survey of the drinking water problem, recently completed by the Public Health branch of the Punjab P.W.D. These villages are situated mostly in Bhatinda, Sangrur, and Ferozepore districts.

The people in these villages have all along been exposed to endemic fluorosis which affects bones and teeth, causes pressure on nerves and results in the paralysis of legs and arms. The fluoride contents in the underground water of the affected villages vary from 1·2 PPM (per million) to 16 PPM against the normal which should be less than 1 PPM. The maximum concentration of 16·2 PPM fluoride contents has been detected in Baje Khanna (Bhatinda district). This was considered to be the highest concentration fluoride contents in drinking water, reported so far in India.

In many areas of Sangrur and Bhatinda districts which had excessive fluoride contents in the underground water, 80 to 90 per cent of the people had mottled teeth an indication of high fluoride consumption and 60 to 90 per cent of children were afflicted with dental fluorosis which does away the whiteness of teeth and creates black pigment.

Public Health engineers calculate that fluoride concentration more than 1.5. PPM. causes the teeth of children to become stained and pitted. If the fluoride contents are above 10 PPM, it causes crippling fluorosis which restricts the movement of the spine and causes deformity of limbs and knees.

Excessive fluoride contents are found in the underground water. Water of 635 villages of Bhatinda district and 830 villages of Sangrur district, is also brackish. The underground water is saline in 339 villages of Ferozepur, 23 of Rupar district and 14 of Gurdaspur district.

Block-wise the split up of such villages is Jallalabad 22, Muktsar 75, Kot Bhai 46, Malout 52, Fazilka 19, Khuan Sarwar 49, Abohar 32, Lambi 44, Kharar 23 and Pathankot 14.

In order to solve the drinking water problem in all these villages the Punjab PWD (Public Health) has proposed drinking water supply schemes based on canal water in the districts of Bhatinda, Sangrur and Ferozepur and deep tubewells in the districts of Gurdaspur and Rupar. According to these schemes canal water, after being filtered and chlorinated will be supplied to the villages for drinking purposes,

For a population of about 23 lakhs mostly in the districts of Hoshiarpur, Rupar and Gurdaspur the underground water for drinking purposes has been found from 40 feet to 200 feet deep. The people of these villages have to waste a lot of their time and energy in drawing water from the wells. Water supply schemes based on tubewells and percolation wells have been proposed for these villages.

The sources of drinking water are situated at distant places in the case of another 184 villages with a population of about 10 lakhs. These villages are situated in the submountainous belts, including parts of Rupar, Hoshiarpur and Gurdaspur districts. The people of these villages have to travel long distances to get drinking water. Water supply schemes based on springs, tubewells and percolation wells, proposed for these villages, will cost Rs. 71 lakhs, it is estimated.

The survey revealed that in the rest of the villages of the State the underground water is sweet and available in abundance. However the chances of the water getting contaminated are very frequent as the wells are uncovered and no mechanical arrangements exist for drawing water from these wells.

It has been proposed that piped water supply schemes should also be undertaken in all these villages. The cost of these schemes

in 9196 villages has been estimated at Rs. 45.55 crores. Non-domestic supply is 6% against 4% domestic supply. At Patna it is 10%. In Ahmedabad it is 10% for restaurants and 15% for dairies and aerated water factories.

A study of the income and expenditure figures given in the Government survey indicate that the water supply in several cities is not a source of income but it is a losing proposition. The deficit has to be met from the revenue collected from other sources. It is not fair not to treat the water supply undertaking on commercial basis. In fairness steps should be taken by the Municipal councils to see that his undertaking is self-supporting.

In Municipal Corporation cities water tax is levied at a certain percentage of ratable value and water charges are made by meter measurement at certain rates. At several places only flat rate is charged for all kinds of uses including domestic, commercial and industrial. The water tax is generally included in the property tax according to the rate fixed on the annual ratable value of the property. In Ahmedabad, Delhi, Madras, Poona and Bombay the water tax is low, between 2.5 to 4.5 per cent whereas in Patna the tax is 6 per cent and in Agra it is 11.25 per cent. In Calcutta water tax is not charged separately as it is included in the consolidated rate charged by the Corporation.

The magnitude of the problem as indicated by the official data go to show the nature of working of appreciable pollution in restricted reaches of the big rivers such as Ganges, Brahmaputra, Godavari, Krishna and Hoogly. There are small rivers like Gomti in Lucknow region, the eastern Jamuna canal, Kali Krishna, Hindon, Kitcha, Gou, and Suraya in Uttar Pradesh, Sone, De'ka and Damodar in Behar and West Bengal which are heavily polluted by the domestic sewage and industrial effluents from sugar factories, distilleries, rice mills, tanneries. Coal washeries, paper and board wastes in Madhya Pradesh and Orissa are contaminating the water. The Sabarmati is intensively polluted in Gujarat State by the discharge of sewage and textile mills effluents from Ahmedabad. The effect of all this is an increasing damage to the country's economy in several directions.

In pursuance of the powers conferred under entry 56 (list 1) under the seventh schedule of the Indian Constitution in connection

with the jurisdiction over the water resources it is the declared policy of the Republic of India :

1. To develop a programme for eliminating pollution of inter-state water for improvements.
2. Recognise, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.
3. To provide central technical services and guidance in connection with the prevention and control of inter-state water pollution.

### **Availability of Water**

The Bombay Corporation has managed to get water by gravitation from Tansa and Vaitarna Dams several miles away from Greater-Bombay. Delhi's water supply from River Jamuna has not proved adequate. Steps are being taken to augment and stabilize the supply from other sources also to meet the demand of the growing population.

### **Delhi Water Supply Problem**

Delhi, the Capital city of the country, is facing shortage of wholesome water for domestic use. This is felt during the summer months when not only the pressure becomes low but also the supply of raw water becomes less due to obvious reasons. The way in which the raw water gets treatment at Chandrawal Water Works requires thorough education and demonstration to the citizens in order to avoid wastage. A small quantity is taken at Okhla but the main supply comes from the Wazirabad where the river water is pumped to Chandrawal by gravitation. Though Delhi is situated at the bank of river Jamuna yet it is an established fact that summer months of May and June compel Delhi Administration to arrange for the augmentation of water supply by getting extra water from West Jamuna Canal by paying exorbitant charges to Punjab Government. It is really a great heart burning for Delhi Water Supply Undertaking to see that while all such disputes with Pakistan have been settled Central Government does not move actively to settle the matter of the use of River water by Punjab, Uttar Pradesh, Haryana, Rajasthan and Delhi for domestic use. The only solution lies in inter-state understanding for the use of water.

### Water Pollution a Serious Menace

The drinking water problem in India will continue to defy solution if the efforts to attain the objective are not increased manifold. This view was expressed by Prof. S.J. Argeivala of Bombay, adviser to the World Health Organisation who attended the seminar on water pollution control, inaugurated by Dr. A. Zabara, W.H.O. Director of Health Service, at Delhi. Prof. Argeivala said that Rs. 1000/- crores would be needed to provide drinking water to people all over the country. With the present allocation it would take 20 years to achieve the goal. By that time the population would double itself and the problem would be as serious as today. To solve the problem, the experts were examining the possibilities of re-using waste water after treatment. They were also trying to find economic methods of treating sewage to recover water from it for use in industry.

The problem had become acute due to non-availability of drinking water in rural areas and rapid urbanisation. In addition, the rate of industrial growth in the developing countries was high, which in many cases had led to the increase in water pollution. The progress made in India in finding a plant extract like activated silica instead of importing sophisticated polyelectrolytes is quite rapid.

Mr. Saburo Kato a Japanese expert, said that water solution was recognized as a major problem in his country and a big coordinated programme had been undertaken to tackle it. The high degree of industrialization in Japan had resulted in large scale water pollution. This besides being a nuisance had led to the spread of some diseases. Mr. Kato said one of the diseases, which had caused many deaths, was communicated by fish which absorbed certain poisonous substances from industrial wastes. Industrial wastes were a serious menace to health and hard to be tackled in an organised manner.

Water supplied to the people in a commercial way caused the wastage on account of the nonmetered consumers, which may be saved. It is also in public interest to charge for the consumption of water by measurement after the meters are provided otherwise leakage of filtered water will cause loss of revenue. The big municipalities or corporations which draw raw water from the nearby rivers should arrange for a separate supply for rough use. In this way the filtered water can be saved to meet the requirements of domestic supply.

### To Avoid Pollution of Water.

In 1953 the Government of India appointed a committee to draw a public Health Act. The draft included some measures which the local authorities may adopt for the conservation and protection of water sources and the prevention of pollution of streams and lakes. There are only the provisions in I.P.C. and C.P.C. and the State local Acts against Public nuisance.

In the U.S.A. the Federal Water Pollution Control Act of 1948 as amended in 1956 provides for nation-wide pollution control activities under the United State Public Health Services. The Act recognises State responsibility for control of pollution and envisages Federal action for providing coordination, technical and financial assistance to States, in all activities designed to make the State programme more effective in all phases. The pollution control programme is carried out primarily by the State Water Pollution Control Boards, which are autonomous bodies with adequate statutory powers having technical organisation to carry out investigations and research of waste pollution problems.

In U.K. the control programme is carried out by a number of river boards set up by Ministerial order under the River Boards Act, England (1948) and covers all the river basins in the country. These river boards have adequate statutory powers for making bye-laws and standards applicable to different regions and for enforcing them. Proper control of effluents entering into the water courses is ensured by adopting what is known as the consent procedure whereby the consent of the Board has to be obtained for outlet and discharge of waste waters. There is a River Boards Association in which matters of common interest to different river boards are discussed.

In Germany, River Basin Authorities are somewhat similar to the River Boards of U.K. Control Water Pollution. These authorities exercise the dual role of enforcing the pollution control measures and also treating the wastes before they are discharged into the rivers. They also exercise an overall control on the quantity of water flowing through the basin. The Federal Law of Germany provides for a uniform basis in respect of water pollution control activities by different authorities and also in regard to the organisation of the river basin authorities.

In the U.S.S.R. Water Pollution Control is an integral part of the water utilisation plan and the State lays down the principles of utilisation and protection of the water resources.

In 1960 the state Public Health Inspectorate of the USSR approved instructions regarding the protection of water courses and lakes into which waste water containing a combination of harmful substances are discharged. In conformity with these instructions, the maximum permissible amount is determined for each such substance and specified in wastes and the receiving water.

A special commission of the State Public Health Inspectorate of the USSR, in collaboration with the fishery authorities and with sanitation experts, has prepared new draft rules for the protection of waters against pollution by wastes. These rules are a comprehensive document comprising requirements for the prevention of the pollution of waters used for household and drinking water supplies, for recreation and also for the fishing industry. A number of provisions included in the draft rules impose stricter requirements concerning the discharge of waste into waters. This has been made necessary by the unfavourable conditions now prevailing in many waters within the Soviet Union.

With the growth of the national economy, the protection of waters in the USSR is assuming great importance. The most recent measure of the USSR Government, focussing attention on the need for a serious intensification of efforts to protect the country's water resources from pollution, contamination and depletion, is the decree issued in 1960 by the Council of Ministers of the USSR concerning measures to regulate the use and intensify the protection of water resources. This decree lays down basic rules for the solution of problems relating to water pollution control. It sets up special authorities responsible for the use and protection of water resources, with inspectorates for the main river basins. It calls upon economic and Soviet organs and the Soviet public in general to comply with the regulations for the protection of waste resources, and it again confirms the obligation of the State health authorities to prepare and publish requirements and rules on the basis of which waste can be discharged into waters without danger to public health.

### **SEWAGE DISPOSAL SYSTEM**

#### **Sewage Disposal Work In Japan.**

In 1966-77 the cities had sewerage system with sewage treatment plants serving 11.06 millions out of the total population of 96.91 millions for the entire Japan. In addition to this 120 cities

were constructing sewage treatment plants, for which the Health ministry was responsible for this programme.

### Night Soil Disposal in Japan

The night soil or digestion plants are planned to fit in with the sewage system. The night soil is disposed in digestion plants and sewage treatment works. About 37.85 million gallons of pollution is covered through incineration service and small number is covered with compost plants. The rest of the garbage was disposed of either by land fill or by dumping into the sea. In Tokyo the daily collection of refuse comes to about 9000 tons. Tokyo is sewerized to the extent 25%. The method of clearing the contents has been improved by sucking up the sewage from each home by using vacuum cases which is a combination of a vacuum tank and a suction hose for sucking up the sewage into the tank.

### Advance in Water Treatment

The Nagpur the Central Public Health Engineering Research Institute is evolving cheaper methods for treatment of water and waste matter in the urban area. The main achievement of the Institute is in the field of sewage treatment and conventional treatment of a million gallons of sewage which costs Rs 11 lakhs whereas the oxidation ponds process evolved can do the same job for Rs. 40,000.

It has also been established that algae which grow in these ponds are a good source of protein and vitamins and can serve as an excellent diet for poultry and the like. Scientists at CPHERI have designed a pilot plant utilizing nuclear energy for desalination of sea water.

The tissue culture technique forms another important aspect of research. A simple process to detect viruses in drinking water has been discovered by a sample, incorporation method. The experiments were carried out with kidney cells of monkeys.

### Compost Plant

A mechanical compost plant with a capacity of 100 tons of fertiliser per day has been proposed. For carrying drinking water plastic pipes have been found to be as safe as metal ones. The State Governments have advised municipalities and other public bodies to use these polythene pipes.

### The Urban Compost and Sewage Development

This work of urban compost is done by the Health department at the refuse dumping grounds. New schemes are being prepared

and the sewer lines are being extended or replaced and the sewage development works are being extended in big cities and the municipal corporation areas.

### **The Sewage Utilisation Scheme in Delhi**

Out of 36 million gallons of sewage at Okhla sewage treatment plant in Delhi, 24 million gallons are being treated to utilise for irrigation purposes and the remaining 12 million gallons are let out into river Jamuna as it is not possible to command any more area by gravitation.

**Pisciculture** :—Certain breeds of fish can be cultured which can live in silt and slush but such varieties of fish are not fit for human consumption unless the effluent is treated further to make it fit for breeding the fish as is done in Calcutta. In order to assess the economies for such a scheme a small pilot plants study is necessary and other data has to be obtained before steps are taken to go in for fishery departments regarding such proposals.

### **Gas Utilisation on Commercial Basis**

In a big city where a contributory population of about 10 lacs residents is directly connected with the sewerage system, the daily output of the gas during summer season would be about 6.7 lacs cft. per day. This gas produced out of the sewage and sludge consists of 75 to 80% of methane content and due to high percentage of the methane content the gas can be utilised for feeding engines, generating electric power, gas lamps and also for heating and cooking purposes. The average quantity of gas required for per capita consumption is 10 to 20 cft. while one unit of electricity can be generated by 25 cft. of the gas. Such a gas can also be compressed and stored in steel cylinders for use in place of petrol in motor vehicles, etc.

In Germany the gas main lines are laid throughout the towns ; along, with gas stations are provided where the gas duly compressed is put into the cylinders fixed in the cars, trucks, lorries and other vehicles and is utilised as the substitute for petrol. In India also such gas mains are laid in Bombay from Dadar sewage purification plant from K.E.M. and Wadia Hospital situated at a distance of 7 to 8 miles and the gas is used for heating and cooking purposes and in serving the patients in these hospitals. The gas, if properly produced in big cities whose population is in millions can be sold on commercial basis to the public through gas meters for 4 to 5 rupees per 100 cft.

### Sludge Manure

If the sewage is treated efficiently and the digestion is complete about 1 cft. of digested sludge is expected per capita in a year which may contain 1 to 2 per cent of nitrogen. In Delhi the municipal corporation is selling over 1200 trucks of 150 cft capacity each of manure at a considerable rate per month. The same sort of disposal is made in Bombay as well. A high rate can be obtained for such a high nitrogen content in the sludge manure.

It has been successfully experimented that the collection of waste from screen and grit chambers can be utilised for composting. The culture of special type of alga grass in oxidation ponds can be used for feeding pigs and the cultivation of guinea grass as cattle fodder to fetch revenue.

All the above sources of earning and to increase the economic position of the municipal corporations greater advantage can be taken from the waste products out of the sewage and the sludge. The State Governments should pay subsidies to all such corporations and big municipalities which adopt the methods of earning revenue after necessary programmes. The Government should also encourage all those who have inclination to make research for turning waste sludge into gold.

The local bodies on their own accord and with limited sources cannot pay attention for the plants which are not only costly but also complicated. Unless the Government adopts ways and means to tap such resources much achievements cannot be expected.

### Urban Waste Products

In advanced countries where fully equipped water borne sewage were in existence, the local bodies used to make use of the resultant dried sludge by selling it to farmers and market gardeners or utilised the effluent for irrigation purposes. There was no other form of the vast quantities of accumulated organic waste products which was taken as nuisance.

### Sewage And Sludge Utilization

The State Governments were also requested to forward their schemes for the provision of sewerage systems in all urban areas on a planned basis and also include therein provision of dumping sheets or pail depots for disposing of night-soil collected by the conservancy system into the sewerage system. The State Governments were also requested to see that all the latrines are of sanitary type

Based on the recommendations of the report of the Scavenging Conditions Enquiry Committee set up under the Chairmanship of Professor N.R. Malkani. In reply to this request, replies have been received only from the Government of Gujarat, Maharashtra, Uttar Pradesh, Madras, Pondicherry and Laccadives : but the schemes have not been received from anywhere so far.

The Ministry of Home Affairs have offered the following comments in this regard :

The Ministry of Home Affairs agree that the ideal solution of the problem of installation of sanitary privies and the abolition of the practice of carrying night-soil as head-loads lies in the total conversion of service provies into water seal sanitary latrines. As recommended by the Council in the said Resolution the Health Ministry should take step to ensure that adequate allocation is made for the purpose in the Fourth Plan, and should see whether some funds can be made available for the purposes in the remaining years of the Third Five-Year Plan. The financial implications of this programme are of great magnitude and it will require several years to achieve the object. In the mean-time as an alternative measure, this Ministry is giving grants-in-aid to the States for the improvement of working conditions of sweepers and scavengers including eradication of the practice of carrying night-soil as head-loads. In pursuance of the recommendations made by the Scavenging Conditions Enquiry Committee, the pattern of financial assistance to local bodies was further liberalised in 1961-62. For towns with a population of less than one lakh the grant-in-aid has been increased to 75 per cent of the cost. For municipalities with a total population of one lakh or more, it continues to be 50 per cent. The grant-in-aid is also admissible for the supply of implements like scrappers and protective devices such as gum boots to those scavengers for whom they are needed. The grant-in-aid is available only for the first supply of wheel barrows, scrappers etc. and for their maintenance.

It will not be possible to prescribe any rigid date for the complete eradication of the practice of carrying night-soil as head loads. The problem is so vast that it can be tackled effectively only on long term basis.

#### **Sewage Disposal on Commercial Basis**

There seems to be a great negligence of the economy of sewage removal and its disposal. So far all the municipal bodies deal with the disposal of the sewage and none has given a serious thought for

the proper utilization of this waste. The big Municipal Bodies like Bombay, Delhi, Bangalore, Calcutta, Madras etc. could have made immense savings if the authorities while laying the drainage system and the administrators of municipal affairs had thought of utilizing commercially the sewage from the question of gradient to be carried to the land by gravitation for cultivation. Where the gravitation is not possible, pumping may be resorted to for making proper use by more elaborate arrangement. In this connection immense research was done on this subject by the Berlin Municipal Corporation with the result that the Berlin drainage working is the most perfect system in the world which is said to be the notable achievement in the Municipal field. The total extent of land irrigated and developed by Berlin from her sewage is 4400 acres.

'Nearly half of the total area of the sewage farms is utilised for irrigation purposes and about 4,00,00,00 cubic yards of sewage drawn from the city and a number of adjacent towns and communes are treated daily. Some of the irrigated farms produce fruit and vegetables for the Berlin market.'

If Berlin could irrigate from its sewer manure 44,000 acres of barren sandy soil why not the cities like Bombay, Delhi and other places in India. In Bombay alone plenty of land is available within a radius of 20 miles. This would cost not more than Rs. 1000 per acre or Rs. one crore covering 1000 acres. The tunnels, pumps and pipings and reservoirs for the sewage collection, conduits and distribution might cost a crore or more. If the whole matter is considered economically the resultant produce would pay more in the shape of revenue leaving a good margin of profit. But it is an admitted fact that in India, municipal arrangements for the collection, removal and disposal of all kinds of refuse have not yet come to the high standard as in European and American cities.

As far as the city sewage in our country is concerned the collection by means of the removal by the aid of gravitation or pumping at some central place for purification or treatment with a view to providing fertilizers for the land, is the job of the local body. In big cities where the collection, removal and disposal of the sewage have advanced from the primitive stage, attention to economy is not paid seriously from the point of view of the land being reclaimed and fertilized properly. The experience of other

cities of the world like Paris and Berlin leaves no room for doubt that in Indian cities also such experiments should result in economic success.

### **Use Of Sewage Gas**

Normally the sewage gas contains 60% to 70% methane and 20% to 30% carbon-dioxide. Some quantity of hydrogen sulphide is also present in the gas. The calorific value of the gas is between 600 to 700 British Thermal Unit per cft. depending on the methane content. If carbon-dioxide is removed by absorption, the resulting gas is almost pure methane which has a calorific value of about 1000 B.T.U. per cft.

The different uses of gas from Sewage Treatment Plants are as under :

1. Manufacture of bulk chemicals, such as fertilizers, methanol, carbon black and others ;
2. Fuel for mechanical transport vehicles ;
3. As a domestic fuel ;
4. Fuel for industrial heating ;
5. The generation of power to supplement other power resources, and,
6. Heating requirements in the digestor units.

#### **1. Manufacture of Chemicals**

The manufacture of fertilizers, methanol, carbon black and other chemicals demands considerable quantities of gas of a quality equivalent to natural gas. A minimum economic unit for chemical plant would require about 7 to 9 million cft. of gas per day with a calorific value of not less than 1100 B.T.U. per cft. Even the acetylene and plastics are large scale productions.

#### **2. Fuel for Mechanical Transport vehicles**

The Plant required for this purpose is a washing tower in which the carbon-dioxide is washed out with water at a pressure of 150 lbs. per sq. inch. The washed gas is then dehydrated and is compressed to about 3000 lbs. per sq. inch in gas cylinders. Each cylinder would be about 140 lbs. and equivalent to 2½ gallons of petrol with 4 cylinders on a truck, the total petrol would be about 9 gallons. Thus a 5 tonne truck will be able to run about 50 miles before it requires refuelling. As the Sewage Plants are normally situated far away from the city, it would be uneconomical to utilize the gas for trucks. Further more, with the diesel trucks on the road now a days, use of gas for propulsion of trucks is not economical.

**3. As a Domestic Fuel****4. Fuel For Industrial Heating**

The best use of gas is for use as domestic fuel and for Industrial heating. For domestic gas, pipeline will have to be laid through out the city. In the case of Delhi the expansion is horizontal and long lengths of pipe lines with booster stations are necessary. However, in the case of cities where expansion is vertical like Bombay, the use of gas as domestic fuel is economical.

Another use of the gas is for industrial heating purposes i.e. in the manufacture of bricks, ceramics etc. If a large industry is situated near the sewage plant, gas can be used on commercial basis.

**5. Generation of Power**

The gas can be utilized for generating electricity in dual fuel engines. The cost of generation of electricity is high compared to bulk purchase of electricity. However, in areas where there is shortage of electricity the gas can be utilized for generating electricity for running the plants.

**6. Heating requirements in the digestors**

During winter the process of digestion of sludge is less. In order to expedite the digestion and save in the number of digestion tanks, the gas can be used for heating the sullage. This is applicable in areas where the temperature falls very low like Delhi.

# 13

## *The Improvement of Rural Areas*

Rural areas are covered by statutory boards called the District Boards. After attainment of independence the country made some advancements. One of the most significant developments in India since independence in the field of local government has been the establishment of a net-work of Panchayat Raj institutions. At present each village or a group of villages has its own Panchayat constituting a local unit for local administration. The Panchayat system is democratically constituted which has been vested with some power for the performance of its functions. The small villages and towns have been granted some privileges to enjoy an independent status on the basis of some urban characteristics. The establishment of local bodies in urban areas was constituted on the suggestion and recommendations of local or district officials who were guided by various considerations like population, occupational position political considerations depending upon consciousness of the people and to judge the commercial and economic potentialities of the population of the town.

The criteria for constituting urban local bodies have been laid down in some of the Municipal and Panchayat Raj Acts. There is a growing tendency to change the small town into an integral part of the Panchayat Raj and to give Municipal status to the bigger towns. The inclusion of small towns and also the medium size towns in the Panchayat Raj entitles them to enjoy the benefits of financial assistance which is available to the rural areas under the community development programmes and several other plan projects. In this way some of the small and marginal municipalities have been benefited by converting into panchayats under the special Acts. In some of the States there are provisions for creating notified Area Committee in towns like Uttar Pradesh, Madhya Pradesh, Orissa, Punjab,

Himachal Pradesh, Jammu and Kashmir, etc. In others there are Municipal Acts under which the Municipal Bodies are constituted. The members of the Notified Area Committees are generally nominated by the State Government on the recommendation of the district officials. The Municipal Acts confer upon the State Governments the power to extend any of the provisions to the Notified Area Committees. According to the census of 1961 as many as 829 places classified as urban mostly with population of 5,000 and above had panchayats. The census classified 4197 places with population varying from 5,000 to 20,000 as rural although a number of them had local bodies as urban areas. 268 towns with population of less than 5,000 were classified as urban for special characteristics like industrial township, railway colony, pilgrim centres, hill stations or tourist resorts and the nature of a type of urban administration. A large number of places having population of about 20,000 were not classified as urban as they did not satisfy the occupational test of 75% of the working population being non-agriculturists and have some urban characteristics like shopping areas, commercial activities, medical and educational institutions. It has been seen that a small municipality or a town area committee has not the resources of employing qualified services or to maintain the desired standard of civic amenities which the urban local body is expected to provide. It is expected that the lowest grade municipal body must provide the facilities to the population of portable water supply, street lighting whether electric or otherwise, pucca surface drains, pucca roads and streets and good sanitary arrangement, conservancy and arrangements for the disposal of refuse and prevention of epidemics.

#### Demarcation of Urban and Rural Areas

The distinguishing feature of an urban area is the occupational pursuits of majority of the people living in that area. In case it is predominantly non-agricultural, the area can be recognised as urban in character. The people following trades and industry as occupation lead to concentration in similar areas the problems of which differ from those of rural areas. This compact area changes into a pocket, urban in outlook which require some civic services. It has been observed that a population of less than 20,000 people may not be in a position to arrange for providing necessary amenities like water supply, drainage, public latrines, urinals, properly laid streets and other services in a satisfactory manner. There are some small towns and notified area committees existing as urban bodies.

in name only as they are not in a position to provide municipal facilities which are expected from urban bodies. If municipal services are sought to be extended to rural areas a working arrangement has to be arrived at with the rural authority for the purpose: This will ensure the advantage of urban amenities along with the benefits of the development programme of the Panchayat Raj. It will keep such areas outside the scope of municipal taxation which pattern will be welcome to the rural areas.

In order to create better understanding and a spirit of mutual assistance between the Panchayat Raj institution and the urban body there should be a representation of the Zila Parishad on the urban council as is already provided for that of the urban council on the Zila Parishad. In smaller municipalities the participation of the representatives of the citizens in the functioning of the local body may be ensured by the setting up of ad-hoc committees in order to get their cooperation for supervision.

#### **Panchayat Raj Act**

Under the Panchayat Raj Act, statutory bodies were constituted with elected representatives of the people at the village, block, taluk and district levels which are entrusted with the responsibilities for planning and implementing development programmes. In some States certain administrative functions like collection of land revenues have been handed over to the Panchayat Raj Bodies. This system of the work of village Panchayats is so devised that it is conducive to progressive devolution of power and authority at the lower levels. The democratic decentralisation which has been ushered in by the enforcement of the Panchayat Raj system has been confined to the rural areas which will have impact on the urban local bodies as well. There should be some link between the urban bodies and the appropriate Panchayat Raj institutions in order to get necessary co-ordinative activities at the Block and District level while implementing the comprehensive and integrated development plans reflecting the potentialities and the requirements of the rural and urban sectors.

In Madras State the Panchayats and Panchayat Union have been delegated with obligatory and discretionary powers.

The Madras Panchayats Act itself provides\* for the function of the Panchayats and Panchayat Unions—both obligatory and discretionary, in addition to the functions entrusted to them by Government.

\* Reproduced from Panchayat Development in Madras State p. 24.

**Panchayats**—The obligatory functions of a Town or Village Panchayat are —

- (a) The construction, repair and maintenance of all village roads, all public roads in the village or town (other than those classified as National Highways, State Highways, major district roads and Panchayat Union roads) and of all bridges, culverts, road-dams and causeways on such roads ;
- (b) the lighting of public roads and public places in built-up areas ;
- (c) the construction of drains and the disposal of drainage water and sullage ;
- (d) the cleaning of streets, the removal of rubbish, heaps, jungle growth and pricklypear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary conditions of the village or town ;
- (e) the provision of public latrines and arrangement to clean latrines whether public or private ;
- (f) the opening and maintenance of burial and burning grounds ;
- (g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water works for the supply of water for washing, bathing purposes and of protected water for drinking purposes.

The discretionary functions of a Village or Town Panchayat are

- (a) planting and preservation of trees on the sides of all public roads in the village or town subject to mutually agreed terms and conditions between the Panchayat and the authority which maintains the road, in case the road is not maintained by the Panchayat itself ;
- (b) the lighting of public roads and public places in area other than built-up areas ;
- (c) the opening and maintenance of public markets other than markets which are classified as Panchayat Union markets ;
- (d) the control of fairs and festivals other than those classified as Panchayat Union fairs and festivals ;

- (e) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-shed
- (f) the opening and maintenance of public slaughter-houses;
- (g) the opening and maintenance of reading rooms ;
- (h) the establishment and maintenance of wireless receiving sets, playgrounds, parks, sports clubs and centres of physical culture ;
- (i) the opening and maintenance of literary centres and centres for imparting social education ; and
- (j) the construction of works of public utility and the provision of other facilities for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the village or town.

**Panchayat Union Council :** The Panchayat Union Council are statutorily entrusted with execution of the National Extension Service Scheme of Community Development. Their functions include inter alia certain other items a; enumerated below :

- (a) the construction, repair and maintenance of all public roads in the panchayat union which are classified as panchayat union roads and of all bridges, culverts, road-dams and causeways on such roads ;
- (b) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners ;
- (c) the establishment and maintenance of maternity and child welfare centres, including the maintenance of a "thayi" service and offering advice and assistance to mothers in family planning ;
- (d) the construction and maintenance of poor houses, orphanages, shops, staffs, plinths, the training and employment of vaccinators, the removal of congestion of population and the provision of house-sites ;
- (e) the opening, maintenance and expansion or improvement of elementary schools, including the payment of grants to private managements in respect of elementary schools ;
- (f) preventive and remedial measures connected with any epidemic or with malaria ;
- (g) the control of fairs and festivals classified by the Panchayat Union Council as those reserved for control by it ;

- (h) Veterinary relief;
- (i) the extension of village sites and the regulation of building;
- (j) the opening and maintenance of public markets which are classified as panchayat union markets;
- (k) the maintenance of statistics relating to births and deaths;
- (l) the establishment and maintenance of *choultries*; and
- (m) improvement of agriculture, agricultural stock and the holding of agricultural shows.

The Unions look after communications, elementary education including aided schools, minor irrigation tanks (up to 200 acres) rural dispensaries (not primary health centres), child welfare centres and all community development programmes, primary health centres, child welfare centres and all community development programmes. Primary health centres are managed by the State Health Department.

A Panchayat Union utilises the panchayats in its jurisdiction as its agency for execution of development programmes at the village level. The Panchayat Union is not a supervisory body over panchayats as an agency, the Union supervises the work of Panchayats. As the District Development Council is purely an advisory body, it has no executive functions.

Since its inception in 1952 the Community Development Programme has been confined to rural areas, and small cities with less than 30,000 population were kept in view for due consideration. In actual working small towns and municipalities have remained outside the ambit of the community development programme.

There is no standard to demarcate the urban and the civic bodies which required proper definition. In order to solve this point the report of the Rural Urban Relationship Committee has suggested the following lines :—

- (1) A village panchayat may be constituted for a population not exceeding 5,000 subject to consideration of geographical, social and economic viability.
- (2) A Nagar Panchayat may be constituted for a population between 5,000, and 30,000. These may be divided into two categories :

The class I Nagar Panchayat may be constituted for a population of 15,000 or above with revenues of the order of Rs. 15,000 per annum. Such a Panchayat would require well organised services and administrative support. A class II Nagar Panchayat may be constituted for areas with a population ranging between 5,000 and 15,000. For such Panchayats while an elaborate administrative machinery may not be required but whole time executive officer may have to be provided.

- (3) A special Panchayat may be constituted for specified territorial limits irrespective of population and area like those coming under Notified Area Committee, Town Committee etc. Such special Panchayats are required for the development of specified areas which have certain special characteristic features.
- (4) Cantonments.
- (5) Municipalities and Corporations for population above 30,000.

### Panchayat Raj in Urban Areas

In bigger corporations and municipal committees there is a strong argument for decentralisation of administrative set-up so that areas with high densities of population may be decentralised for more intimate association of the people with the administration for efficient discharge of functions by the civic bodies.

**Notified Area Committee :—**\*Notified Area Committees are created for areas which do not fulfil conditions for the constitution of Municipal Councils but are otherwise important. They are also created for newly developing towns or areas where industries have been or are being established. Some Municipal Acts provided for the constitution by State Government of Notified Area Committees by notification in the gazette. The Notified Area Committee exercised all the powers of the Municipal Council but its members are nominated by the State Government and not elected like the Municipal Councillors. Its Chairman is likewise nominated by the Government and not elected like the Chairman of the Municipal Council. Only those provisions of the Municipal Act apply to the Committee as are notified by the State Government in the official

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\* Reproduced from Report of the Rural Urban Relationship Committee Vol. I. p. 55.

gazette. The State Government has power to vest the Committee with powers exercised under any other Act. Notified Area Committees exist in eight States and one Union Territory.

The Town Area Committee is a semi-municipal authority which is constituted generally for small towns. Its members are either wholly nominated or wholly elected, or partly nominated and partly elected. Town Area Committees are governed by separate Acts of the State Legislature. The District Officer has been empowered to exercise greater control over the Town Area Committees. The sphere of their activity is limited to fewer subjects, such as conservancy, street lighting, drainage and roads. Town Area Committees have been established only in six States and one Union Territory. Following the establishment of the Panchayati Raj the position of these bodies is undergoing changes. Some State Governments are converting Town Areas into institutions more akin to rural bodies. The State of Gujarat has substituted Nagar Panchayats for Town Area Committees and Town Panchayats have been created in the States of Mysore and Madras. The States of Andhra Pradesh and Madhya Pradesh have lately merged many small town Committees into the Panchayati Raj. The Committee recommend that other State Governments should follow the practice which will avoid multiplicity in the pattern of local units. The Committee have specifically recommended the abolition of small Town Committees in an earlier chapter.\*

#### **Authorities and civic Affairs of Cantonments in India**

There are 50 categories of Cantonments in India out of which 18 had a population of more than 10,000. It was observed by the Urban Rural Relationship Committee Report that in several Cantonments exclusion of the civil area could not be possible due to the fact it was not geographically feasible to form separate local bodies to have regard to the needs for standard of civil administration.

\*Reproduced from Report of the Rural Urban Relationship Committee, Vol. I pp. 55-60.

# 14

## *Comparison With Other Countries*

The State Governments have created Improvement Trusts as the planning and implementing machinery for achieving the above object in various places. The Improvement Trusts were established under special enactments in Bombay, Calcutta and U.P. in 1898, 1911 and 1919 respectively. The Trusts prepare Improvement Schemes for use of land according to the land use. But for the increase in the incidence of urbanisation and consequent problems of growing cities the Trust could not improve matters to the desired level. Later on the Town Planning Acts of Bihar Orissa and Rajasthan were combined with Improvement Trust under one single Legislation. In 1962 the Government of India prepared a model Law for Towns and Country planning which was approved by the Second Conference of the Ministers of Town and Country planning. The States of Andhra, Gujarat, Mysore and Madras adopted The Town Planning Acts on Bombay Pattern to make every rural or urban local authority as a planning authority. These authorities are doing work in their own way for improving local conditions of the urban areas.

It is generally the practice prevailing at some of the places where the State Governments have put restrictions. The powers of such authorities with special legislation for limited purpose of controlling land use clashes with the planning enactments. The U.P. Regulations of Building Operations, the Bihar Restriction of uses of land Act and Madhya Pradesh Town Periphery Control Act are the instances. In Uttar Pradesh the State Government can constitute a controlling authority for declaring any area a regulated area and also to provide for the appointment of prescribed authority for enforcement of the Act. In Madhya Pradesh the Act empowers the district authorities to declare an area of 7 miles on all sides from the outer boundary of the town as controlled area for regulating the development of land and construction of buildings by capital project

administration. The Calcutta Metropolitan Area (use of development of land) Control Act 1965 is working properly. The proper town planning law without the land use restriction can prove more practicable and effective.

### Need For a High Power Organisation

In order to get proper planning, development and performance of all the functions there should be one agency responsible to undertake the working on efficient lines. Such an authority should take up the functions of water supply sewage-facilities, roads, streets and other works of communications. In view of this there must be a body for suitable planning, with enough powers to perform the functions in a co-ordinated way.

### Rural Urban Development

The central assistance to the State Governments for the five year plan is made available on the authority of Article 282 of the Constitution of India which is as follows :

"The Union or a State may make any grants for any public purposes, notwithstanding that the purpose is not one with respect of which Parliament as the Legislature of the State may make laws."

In this connection while dealing with the problems of rural urban development, a policy has been laid down in the Third Five Year Plan.\*

This difficulty in co-ordination and concerted action can be solved by establishing at the State level a statutory High Power Urban Development Board or Authority. This authority should be made responsible for the following functions :

- (a) Co-ordinating the activities of the various agencies concerned with urban development functions and evaluating the implementation of City Development Programmes.
- (b) Undertaking various aspects of town development such as acquisition, development and disposal of land ; laying out water supply sewage and drainage ; building roads, housing shops and similar things necessary for urban development in accordance with Master Plans or city development programmes. For this purpose the board/authority may have and operate a Revolving Fund.

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\*Page 689, under the heading Urban Planning and Land Policy.

- (c) Undertaking production, conveyance and distribution of water within a specified region as well as collection, treatment and disposal of sewage. (Some local bodies may prefer to obtain bulk supply of water from the board/authority and arrange for internal distribution themselves. They may also prefer to have the board/authority to take over sewage in bulk from the local areas and arrange for its treatment and disposal. In such cases suitable contractual arrangements will have to be made between the board/authority and individual local bodies defining their mutual obligations).
- (d) Borrowing money from Government, Life Insurance Corporation, banking institutions, co-operative societies and local bodies and raising revenue through fees and charges in respect of development functions performed by it.
- (e) Acquiring and disposing of lands and properties.
- (f) Undertaking other services intended to promote municipal development such as giving technical advice in preparation of Master Plans, City development programmes, budgets ; examining technical and economic feasibilities of urban development schemes, debt redemption policies, accounting and legal matters.
- (g) Preparing Master Plans for metropolitan regions, major urban areas and resource regions, where the planning area may be much larger than the territorial jurisdiction of the concerned urban local bodies and enforcing such plans, if necessary.
- (h) Guiding and advising the State Governments and urban local bodies and other urban development agencies on matters pertaining to urbanisation, urban development, and planning and ensuring the formulation and execution of proper development policies and programmes.
- (i) Undertaking study and research on various aspects of Municipal administration and urban development and imparting training to municipal employees.
- (j) Acting as a Central Purchasing Agency for materials and machinery.
- (k) Act as a central agency which would supply long-term and short-term credits needed by the local bodies. For

remunerative schemes, the board/authority will charge the market rate of interest while for non-remunerative schemes it will make long term credit available at low rates of interest.

The broad objective must be to secure balanced development between large, medium sized and small industries and between rural and urban areas. While this is by no means easy to realise, the main ingredients of developmental policy are the following :

- (i) As far as possible, new industries should be established away from large and congested cities
- (ii) In the planning of large industries, the concept of region should be adopted. In each case, planning should extend beyond the immediate environs to a larger area for whose development the new industry would serve as a major focal point.
- (iii) In community development projects or other areas within a district, the rural and urban components of development should be knit into a composite plan based in each case on schemes for strengthening economic inter-dependence between towns and surrounding rural areas.
- (iv) Within each rural area the effort should be to secure a diversified occupational pattern in place of the present extreme dependence on agriculture.

In considering the nature of the urban problem to be phased over the next decade, it is necessary both to deal with the situation which exists now and to ensure action along the right lines for the future. The time has changed swiftly and the old municipal law structure require drastic changes. In many fields the country is keeping pace with other advanced countries of the world. There are some good points which can be taken into account while framing new laws for improving the conditions prevailing in the urban local bodies. In this Chapter the outlines of the municipal working of Japan and U.S.A. will be explained to create interest for comparing with the present working of local bodies in India.

#### **Contrast of the Ideals of Indian and Foreign Municipal Life and Organisation**

There is flexibility in the organisation of municipal constitution in different ways in different countries as compared to the Indian Urban Local Bodies. In America which has got a reputation of

modern democracy, the growth of imperialistic tendencies brought revolution in the constitution and functions of municipal organisation. America started with the idea of complete local democracy and passed through various stages of distributing the municipal into small Boards or Commissions. In European countries several times the local autonomy of the cities, has been misused. They are nevertheless able to function fairly well with their elected councils. In England they have developed the systems of Borough Council, having own Departments of Administration presided over by Heads of Departments in the service of the local council. Such different forms of working have helped towards the realisation of specific municipal object of local bodies in its own way in each country. The demands for flexibility in the municipal constitutions have been fulfilled to meet the aspirations of the citizens. There are agencies to perform the local functions with financial resources on British Pattern. The British Government therefore took steps towards the setting up of local authorities in urban areas motivated by the need of mobilising local fiscal resources for providing roads, public works, education, medical relief and public health which are matters of local nature for the welfare of the people. The growing demand of the people for political and social justice and the national urge for self government has to be met.

The Reforms initiated by Lord Ripon were intended to meet these demands and aspirations. It was in 1822 that the system of local self-Government was extended to all the urban centres. After the Montague Chelmsford Reforms of 1919 the responsibility for local Government was transferred to elected representatives of the people and franchise for election of local bodies as substantially liberalised. The shortcomings in the urban local Government system were due to the inadequate planning and drafting of municipal law. The control of the local bodies used to be strict through the district magistrates and the committee system was not allowed to develop. The then Government did not take steps to infuse new ideas on local self-Government and bring the administration in touch with realities to meet the true situation. In independent India far reaching reforms and changes have been effected. The Article 40 of the Constitution of India lays down :

“State shall take steps to organise village Panchayats and to endow them to function as units of self Governments.”

Since then Panchayat Raj institutions have been established in different states with powers including the development functions.

In India the position of the municipal organisation notwithstanding the development of recent time is quite vague and uncertain. The idea of having the benefit of complete local autonomy and full local responsibility has not been achieved. In order to examine in detail the working of local bodies in the country, there is yet a scope for improving the structures of local bodies to a great extent. The following are some of the points in different municipal corporations of the world for comparison with the Big Municipal Corporations of India.

### **Local Government in Japan**

Apart from Tokyo which has a metropolitan Government, the whole of Japan is divided into 45 prefectures which are units of local Govt. The definition of urban city is a place with a population of 5,0000 or over and having 60 per cent of its population as non-agriculturists. There is a Local Autonomy Act of 1947 which provides for amalgamation of towns and villages to be effective instruments of the administration.

Most of the villages have been integrated with towns in order to form larger units and to avail of urban benefits. The Tokyo metropolitan area consists of the city of Tokyo with 23 wards and 14 suburban cities etc. The 23 wards have 83% of the total population and are more integrated functionally with the central metropolitan Government which functions as prefectoral Government in relation to cities. This is equivalent to Provincial Government. The affairs affecting national interests, needing national unity are not to be dealt with by prefectures and city or town Government.

The Local Govt. in Japan covers the field of Law and Order, Industrial Development and Labour Disputes. There is a division of responsibilities in all matters in Japan. In Japan the elections are held on party lines but party issues do not include local problems. Once elections are over the Assemblies tend to work together in public interest.

### **The Metropolitan Government in Tokyo**

Tokyo is one of the biggest cities in the world with an area of 202088 sq. kilometers with 9 million of population. The density of population in Tokyo is 4400 persons on 1 sq. km. in whole area. It consists of 23 wards, 10 cities, 22 towns and 10 villages. The ward

enjoys the privilege of subordinate local authorities with limited autonomous powers. The metropolitan assembly functions for larger legislative, and planning and the ward councils are given limited powers to deal with matters having close bearing upon daily life of inhabitants.

### **Local Government in United States**

In America 74 per cent of the total population live in the urban areas. There are about 35000 municipalities, towns and townships. Out of those 216 are large metropolitan cities comprising 65% of the urban population as designated by the Bureau of Census as standard metropolitan statistical areas. The areas which are outside the municipalities are under the countries which are over 3000 in U.S.A.

### **Structure of Local Government**

**The Council :** There are small size city councils. In Oakland the population is 41 l.h.s which has 8 elected councillors and one mayor. The Mayor is chief Executive Head of the Corporation elected for four years. This has a pattern on the following lines :

The responsibility for all the administration is centralised in the Mayor or Chief Executive armed with adequate authority by the people .

In big American cities the problems are also great. The Mayor Coordinates different sections of the city community towards common goal.

The Mayors of the major cities carry great powers and influence in political field. The Mayors are national figures and this office is a stepping stone for higher executive office at State and Federal levels. In certain important cities the post of the Mayor is considered to be more important than the Governor of a State.

In the Mayor system a practice has developed to appoint Chief Administrative Officers under the Mayor to relieve him from routine executive duties of various departments.

### **Elections for Local Bodies**

A great feature in American politics is the system of elections on non-partisan lines. There may be backing to the candidates of one party or the other but all the party or political issues are kept out of the elections area. This system is responsible for efficient working in the field of Local Self-Government. The mode of election on party lines has proved to be a great drawback.

The Late Lokmanya Tilak once observed that it was his firm belief that unless the local representatives were given full powers to govern their local institutions there would not be true Local Self-Governments and without the creation of the real Local Self-Governments the true spirit of citizenship would not develop and democracy would not flourish. For the development of democracy and the creation of democratic socialistic society a firm foundation of self Government governed by local institutions is quite essential without which one cannot expect people's participation on a big scale and cannot evolve a creative society. In order to achieve success in urban development programmes for the advancement of urban local bodies the responsibility must be thrust upon the citizens so that they may extend cooperation. In view of this principle the new set-up in India be so moulded as to have unification of powers of the executives and the public representatives. Moreover there must be less interference by the State and the Central Governments in the day-to-day working of local bodies. The Government has to keep an eye to safeguard the National interests that the working may not come in clash with the principles and policies laid down by the Government. The further responsibility of the Government is to make the Local Self-Governments financially sound and resourceful. In order to work efficiently there should be perfect coordination of all the development programmes in the country with those of the local Governments. All the departments working in the jurisdiction of the municipal corporations must cooperate with the civic body for all the working interest. In Delhi Municipal Corporation Area it is observed that there is no desired coordination between the municipal authorities, railway department, Delhi Development Authority with the result that thousands of *jhuggi, jhomparies* are existing without any check on lands belonging to different authorities. The objectives of the municipal corporations should be on the following lines.

- (i) To enrich the living of the Tax Payers by various duties and functions so far as the basic amenities of the citizens are concerned.
- (ii) To seek cooperation of the local leadership by their active support and undertaking of various responsibilities.
- (iii) To create interest in the citizens for participating in development programmes for the betterment of the city.
- (iv) To coordinate all the National sources and effort for the welfare, convenience and security of the people.

A new experiment is made in Delhi Municipal Corporation with a new pattern of the Mayor-in-Council. The result will indicate the way in which the executive powers proposed to vest in the Mayor prove effective. The time is the major factor. The present system under the statutory provisions of the Acts in Calcutta, Bombay and Delhi Municipal Corporations is prevailing upon a practice of the entire executive power resting with the Commissioner of the Corporation and the Municipal Corporation and the standing committee have concern with the execution of any work. The Commissioner may not carry on the work according to the directives issued by the corporation or standing committee.

In this connection the dissent Note of the Mayor of Calcutta Dr. P. K. Roychoudhury while giving interim recommendations of the rural urban relationship between the executive and the elected wing is quoted below which is on the lines of the Mayor in Council Bill as passed by the Delhi Metropolitan Council for Delhi Municipal Corporation.

The councillors are representatives of the people and are responsible to the people at large for proper execution of work by the municipal corporation. In the opinion of Calcutta Corporation the entire executive power should vest with the Mayor and the Mayor should form an Executive Council with himself as its Chairman and the Chairmen of the various standing committees as its members. The mayor will distribute portfolios amongst the other members of the Executive Council and they will be incharge of certain Departments of the Corporation as may be entrusted to them by the Mayor. The overall control is to vest with the Mayor and he will be coordinating officer between the different members of the Executive Council. The Commissioner of the corporation who at present enjoys all the executive power as Chief Executive Officer may function as the chief Secretary of the Corporation.

The proposed set-up for Delhi Municipal Corporation for the Mayor-in-Council is to some extent different as the Standing Committees like the Delhi Electric Supply Undertaking, the Transport Undertaking and Water Supply and Sewage Disposal Undertaking are being raised to the status of autonomous bodies under separate control than that of the corporation. From the constitutional structure and the routine working of Tokyo two tier system in Japan and the Metropolitan cities of U.S.A. some good points are available to be adopted for raising the efficiency of the local bodies in India.

Though the old system of the British regime has been considerably changed yet there are many flaws for removing the dual system and to create circumstances for coordination among the Government, the local Bodies and various departments.

# 15

## *Imparting of Civic and General Education*

The Local Bodies have a great part to play in raising the social, moral and civic standard of the people particularly the younger generation who have to become good citizens.

The Local Bodies have to perform their duties for imparting primary education. There are places where primary education is compulsory. The municipal authorities have no sources to arrange for the students of school-going age, between 5 and 11 years to impart civic education. In this connection the Kothari Commission Report page 423 Para 17.7 has given very startling figures to indicate that India was more illiterate in 1961 than 1951 with an addition of about 36 million illiterates. 'In India in 1966 it has 20 million more illiterates than 1961. This has happened in spite of unprecedented expansion of primary education and despite, many literacy drives and other programmes. Though the percentage of high school literacy has risen from 16.6 per cent in 1951 to 24 per cent in 1961 and 28.6 in 1966 a faster growth of population has crushed the country further behind in its attempts to reach universal literacy. The Commission has further recommended on page 424 para 17.12 that the campaign should be inspired by a faith in its vital significance to national life and should be organised and supported by the social and political leadership in the whole country. It should involve the central State and Local bodies. All Government agencies voluntary agencies and private organisations, all educational institutions ranging from university to primary schools and the public at large should make efforts to impart right sort of education. It is evident that there is a strong desire to eradicate illiteracy from the local body areas but the financial set back stands in the way. All state Governments, therefore must be provided with adequate funds

for the municipal authorities and the local panchayats for imparting general education on good lines. The present curriculum is defective which must be replaced by more radical changes for raising the social, cultural and moral aspects of the children. This will not only create a healthy atmosphere in the country but also change the outlook of the nation if the education is imparted through religious principles on secular basis. In the presidential speech at the 14th session of the Central Advisory Board of Education held at Delhi on 13th January 1948, Maulana Azad laid stress on this point.\*

In view of the above it is imperative that the nation can grow and flourish if right sort of education is imparted from the primary level which is mainly the concern of the municipal bodies to inculcate a spirit of social, moral and civic nature from the very childhood. The conscious and organised attempts have to be made in the local bodies for imparting education in municipal schools in social, moral and spiritual values with the help and guidance of ethical teachings of great religions.

This is mainly the function of the state Govts. to see that the urban population with the help of urban municipal authorities and the Rural population through Panchayat Raj get good education so that they may become not only good citizens on right lines but also grow with right teaching to become true national workers for the solidarity and advancement of motherland.

There are several other examples to quote where politics crop in while fighting municipal elections. Basically the adult franchise is the root cause for the election of some persons to the local bodies as city fathers, who have otherwise no justification to contest election on merit. This most unfortunate position becomes a problem for the political parties while nominating candidate for election and to attract support from the caste which has a large number of votes. This system is also responsible for the election of unsuitable hands for the job where people of high calibre and integrity are required. The political parties are interested to get powers without caring for the stuff of members who will be required to mould the destiny of the cities. There are also instances to indicate that even in political parties the members come forward to hold high posts in local bodies in the deliberative wings by giving threat of defection if not given certain ornamental posts. This is also how undesirable elements

come forward to spoil the fair name of the political party and the municipal institution he represents.

In fact in higher public interest the political parties should not indulge in local civic affairs which are in no way a political arena.

Under the present set-up the position existing in the local bodies and recommendations made by the Rural Urban Relationship Committee in its Report were considered by the All India Mayors Conference in its meeting held at Varanasi on 25th November, 1965 to examine the relations between the executive and deliberative wing in municipal corporations as depicted by the political parties in the country. After prolonged discussion and weighing the pros and cons of all view points the Chairman stated :

The electors as tax payers expect good work and improvement in the conditions prevailing in the city but the narrow outlook of the political parties create situation so much complex that on several items the real issues are ignored on political considerations and controversies spoil the public interest. It is a pity that the members elected to the local bodies forget their public commitments and indulge in unhealthy discussions with adverse results.

There have been instances when unhealthy competition harm the cause of the civic body of which the members are the custodians. During the annual budget debates competition at political level affects the budget provisions in several ways. In advanced countries of the world such a low standard of political outlook is never heard of. It may be an example for the Indian Civic Bodies to learn from the practice and procedure adopted in U.S.A. where politics is never allowed to be mixed with the civic problems of the urban area.

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